

Women's Roles in the 1994 Rwanda Genocide and the Empowerment of Women in the Aftermath

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WOMEN'S ROLES IN THE 1994 RWANDA GENOCIDE AND THE EMPOWERMENT OF WOMEN IN THE AFTERMATH

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TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS	IV
LIST OF TABLES	VIII
SUMMARY	IX
<u>CHAPTERS</u>	
1 INTRODUCTION	1
2 THE ROLES OF WOMEN DURING AND AFTER CONFLICT: A THEORETICAL FRAMEWORK	3
Overview	3
Instrumentalization of Ethnic Identity	3
Women and the Origin of the Nation	5
Gender and Conflict	6
Women in the Aftermath and Reconciliation	10
3 THE CREATION OF ENEMIES: A BRIEF HISTORY OF THE RWANDAN PEOPLE	12
Pre-colonial History	12
German and Belgian Colonization	13
Revolution and Independence	15
Civil War and the Arusha Accords	17
1994 Genocide	18
4 SEXUAL VIOLENCE AS A TOOL OF WAR: WOMEN AS GENOCIDE VICTIMS	20
Introduction	20
Purposes of Violence Committed Against Women	21

Consequences for Victims and Their Families	27
Organizations Working with Female Survivors	30
Conclusion	32
5 FEMALE VIOLENCE: WOMEN AS GENOCIDE PERPETRATORS	33
Introduction	33
Actions of Female Perpetrators	34
Conclusion	42
6 RAPE AS GENOCIDE: THE ACHIEVEMENTS OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA	44
Introduction	44
Main Cases	48
Achievements	51
Trends in Sexual Violence Prosecutions	53
Problems and Challenges	54
Conclusion	60
7 “JUSTICE IN THE GRASS”: THE GACACA SYSTEM	61
Introduction	61
Problems and Concerns	64
Positive Aspects of Gacaca: Roles of Women	67
Conclusion	70
8 WOMEN’S AGENCY IN RECONSTRUCTION AND RECONCILIATION	72
Introduction	72
Roles of Women in the Aftermath	73
Difficulties and Challenges for Women	76
Conclusion	77
9 CONCLUSION	79

LIST OF TABLES

	Page
Table 1: Rwanda Organic Law: Categories of Crimes	63

SUMMARY

Explorations of women's roles in armed conflict have traditionally focused on women as victims, which has led to a limited understanding of the active roles women have played during and after conflicts. For example, analyses of the roles of women in the 1994 Rwanda genocide have largely focused on the victimization of women through rapes and mutilations, which leaves many dimensions unexplored. Exposing the roles of women in perpetrating violence or reconciliation efforts can contribute to a more nuanced understanding of the roles of women in wartime and challenge the traditional gender stereotypes that have denied women's agency dealing with the aftermath of conflict. This study aims to contribute to the literature on women and conflict, specifically ethnic conflict, by providing a broader and thus more accurate picture of the roles of women during and after the Rwanda genocide. This study explores the following question: What roles did Rwandan women play in the genocide and are women revealing their agency and abilities in the aftermath? This thesis explores the gendered nature of the Rwanda genocide as revealed in the violence committed against women and by women during the Rwanda genocide (women as victims and perpetrators), as well as the position of women in post-genocide Rwanda (their agency in reconciliation and reconstruction). This research represents a qualitative study based on information provided by news sources, ethnic conflict and genocide literature, feminist literature, reports by non-governmental organizations, and international organizations including the United Nations (specifically the International Criminal Tribunal for Rwanda) and the World Bank. The roles of women during and after conflict have been traditionally understood from a biased perspective; however, the genocide in Rwanda has revealed the great extent to which women are affected by conflict, participate in conflict, and contribute to reconstruction and reconciliation efforts.

CHAPTER 1

INTRODUCTION

Explorations of women's roles in armed conflict have traditionally focused on women as victims, which has led to a limited understanding of the active roles women have played during and after conflicts. For example, analyses of the roles of women in the 1994 Rwanda genocide have largely focused on the victimization of women through rapes and mutilations, which leaves many dimensions unexplored. Exposing the roles of women in perpetrating violence, for example, can contribute to a more nuanced understanding of the roles of women in wartime and challenge the traditional gender stereotypes that have denied women's agency in post-conflict societies. This study aims to contribute to the literature on women and conflict, specifically ethnic conflict, by providing a broader and thus more accurate picture of the roles of women during and after the Rwanda genocide. This study explores the following question: What roles did Rwandan women play in the genocide and are women revealing their agency and abilities in the aftermath? This thesis explores the gendered nature of the Rwanda genocide as revealed in the violence committed against women and by women during the Rwanda genocide (women as victims and perpetrators), as well as the position of women in post-genocide Rwanda (their agency in reconciliation and reconstruction). This research represents a qualitative study based on information provided by news sources, ethnic conflict and genocide literature, feminist literature, reports by non-governmental organizations, and international organizations including the United Nations (specifically the International Criminal Tribunal for Rwanda) and the World Bank.

The first chapter focuses on theories of ethnic mobilization, women's role in the origin of the nation, gender and conflict, and social movement theory as a framework for reconciliation. The second chapter provides a general overview of the history of the relationship between the Hutu and Tutsi peoples and the events that led to the genocide in

1994. The third chapter examines the violence against women during the genocide, specifically focusing on the sexual nature of the violence, its purpose, and the consequences for female survivors and their families. The fourth chapter reveals the capability of women in instigating and committing violence and brings to light that, in many cases, women encouraged sexual violence against other women. The fifth chapter analyzes the work of the ICTR in bringing about justice for female victims and the important role that the tribunal has had in recognizing sexual violence as genocide and a crime against humanity. The sixth chapter considers the effectiveness and impact of the gacaca justice system in post-genocide reconciliation and the agency of women as participants in the system. Finally, the seventh chapter reveals the agency of women in post-genocide Rwanda and their roles in rebuilding their communities and their country.

CHAPTER 2

THE ROLES OF WOMEN DURING AND AFTER CONFLICT: A THEORETICAL FRAMEWORK

Overview

The varied roles of women during the genocide and in post-conflict Rwanda reveal that the traditional understanding of women as solely civilian victims should be re-examined. In order to comprehend the roles of women in Rwanda, it is important to examine the context of the conflict. Within theories of ethnic identification and mobilization the Rwanda genocide is best understood through the explanation of instrumentalism, which explains that ethnic identity can be used to incite violence for material gains. Understanding the instrumentalization of ethnic identity that took place in Rwanda reveals the agency of the genocide perpetrators and reveals that the conflict was not inevitable. In examining the roles of women during and after the conflict, it is important to explore feminist literature on women and war (women as victims) and women in war (women as perpetrators.) The case of Rwanda reveals the necessity of rethinking traditional theories on women and war, as well as women's roles in the aftermath of conflict, and the case of the Rwanda genocide exemplifies the confluence of the instrumentalist theory of ethnic mobilization and gender analysis of conflict situations.

Instrumentalization of Ethnic Identity

In order to analyze the roles of women during and after the Rwandan conflict, it is important to have a theoretical understanding of the mobilization of ethnic identities that occurred in order to bring about the genocide. Theories of ethnic identity include primordialism, which understands ethnic identities as “naturally given”; constructivism, which understands ethnic identities as products of social constructions, human actions and choices; and instrumentalism, which regards ethnic identity as a tool used by an

ethnic group and/or its leaders to achieve material gains (Taras and Ganguly, 2002, 286, 289, 293). In the instrumentalist school of thought (Taras and Ganguly, 2002, 5):

...ethnic identity...gains social and political significance when ethnic entrepreneurs, either for offensive or defense purposes or in response to threats or opportunities for themselves and/or their group, invoke and manipulate selected ethnic symbols to create political movements in which collective ends are sought.

The influences of colonial powers on ethnic identification in Rwanda reveal that understandings of Hutu and Tutsi identities were not naturally given as primordialism would explain. The history of colonialism in Rwanda also reveals that, although the constructivist framework is useful, because German and Belgian colonists played important roles in socially constructing the Hutu and Tutsi identities; this theory does not explain how the identities were used as a catalyst for genocide as the theory of instrumentalism is able to explain. The instrumentalist framework is best able to account for the role of ethnic identification in the Rwanda genocide, as it includes the best explanation of ethnic mobilization. In the case of Rwanda, genocide was a means to material, political, and social gains, and ethnic identities were manipulated and exploited to create a conflict situation.

The Rwanda genocide was, to a large degree, the result of elite manipulation; however, it was also a popular movement and “intimate affair” involving an incredibly large portion of the population. As will be shown subsequently in the chapter on the history of the Rwandan people and the chapters on women as victims and perpetrators, Rwandans were incited to violence by military and community leaders yet civilians also perpetrated violence out of their own personal convictions. Understanding that the genocide was carried out and influenced from the top down as well as the bottom up creates a framework for understanding the roles of women during the conflict and in post-genocide Rwanda (Mamdani, 2001, 6-7). Mamdani explains that the Rwanda genocide was not carried out from a distance by a small portion of the population as the Nazi Holocaust was conducted. Rather, a large portion of Rwandans (men and women)

participated in the genocide (Mamdani, 2001, 5). Acts of genocide, including murder and sexual violence, were often committed by multiple perpetrators against a single victim (as will be clarified in the section on women as victims). Genocide was committed by people from all backgrounds and a large percentage of the population was involved. Because of the high level of involvement by civilians, whether as a result of personal conviction or elite manipulation, dealing with the consequences of the genocide will require the involvement of all Rwandan people, including women who have been historically marginalized during conflict and in the aftermath.

Women and the Origin of the Nation

The roles of women during the Rwanda genocide, as victims and perpetrators, can be partially comprehended with the understanding of the role that women play in the “common origin” of a nation or people (Yuval-Davis, 1996, 17). A person’s ethnic identity, or membership in a collectivity, is usually the result of his or her birth into the group. The reproductive role women play in the procreation of their ethnic group leads to specific actions against them as victims and specific actions by them as aggressors. In the case of Rwanda, the desire for “purity” within the Hutu ethnic group was an important catalyst for violence. Yuval-Davis (1996, 18) explains, “those who are preoccupied with the ‘purity’ of the race would also be preoccupied with the sexual relationships between the members of different collectivities.” This preoccupation with sexual relationships is an important lens through which to understand the sexual violence committed against Rwandan women. Rape and other forms of sexual torture were committed to damage the reproductive capabilities of the ethnic group to which the women belonged, most often to impede the reproductive capability of the Tutsi ethnic group.

The importance of sexual relationships and reproductive capabilities in the discourse on ethnic conflict also contributes to an understanding of the role of women as perpetrators. As physical reproducers of their nation or ethnic group, women are also

often cultural reproducers and are “empowered to exert control over other women who may be constructed as ‘deviants’ ” (Yuval-Davis, 1996, 23). The desire of one group to limit the power of another group can lead to sexual attacks on women in order to destroy their group, and may also lead women to exert their social power by participating in or instigating sexual violence. Moser (2001, 30) explains:

The conceptual rationale for...a gendered framework starts by recognizing that violence and conflict are both gendered activities...Women and men as social actors each experience violence and conflict differently, both as victims and as perpetrators; and women and men have differential access to resources (including power and decision making) during conflict and conditions of violence (CIDA 1998).

Due to preoccupation with ethnic purity and possibly also due to women’s differential access to power and decision-making as Moser explains, female genocide perpetrators in Rwanda often ordered or committed violence against other women, as will be demonstrated in the subsequent chapter “Female Violence: Women as Perpetrators of Genocide.”

Gender and Conflict

In addition to the theoretical lenses associated with ethnic conflict and women as reproducers of their collectivities, the roles of women during the Rwanda genocide and in the aftermath should also be understood from the perspective of women’s roles in war presented in feminist literature. In many ways gender roles are shaped by war, but also help shape war and the actions taken during conflict. In examining the literature on gender and conflict, the relationship between women and war (women as victims), as well as women in war (women as perpetrators) must be explored. Many Rwandan women were civilian victims, a position that fits into traditional understandings of gender roles during war; however, women also committed atrocities. Female perpetrators fall outside of traditional discourse on gender roles in war and the Rwanda case reveals that women no longer fit squarely into traditional understandings of females as peace-makers.

Women and War: Women as Civilians and Victims

To a great extent, traditional theories on gender and conflict revolve around the notion of gender roles as dichotomous. Men are viewed as soldiers or warriors and women are understood as civilians who keep watch over the home-front. War and militarization are understood as masculine, while the civilian and peace-keeper roles are understood as feminine. Elshtain explains that the male ideal is a powerful and just warrior, while the female ideal is a beautiful soul.

The just warrior must not intend to kill noncombatants and must do all that he can do to limit the damage to civilians. As well, there is a powerful female ideal that I call the *beautiful soul*. She is the woman who waits at the home front, who prays before the battle, but who is not herself deeply immersed in the bone-crunching, body-destroying business of war. Notice that these two images of men and women serve to reinforce one another (Elshtain, 1994, 109).

In these gender archetypes, men as just warriors fight for a cause higher than themselves and women as beautiful souls are useful in civic and familial situations (Elshtain, 1994, 110). These images of gender roles in war “bring into being men and women of a *particular* kind,” and because of this, “female violence remains formless...because such violence falls outside the boundaries of our received narratives” (Elshtain, 1994, 115). Elshtain’s work reveals that traditional understandings of gender roles in conflict are unable to explain actions in the Rwanda conflict. Genocide clearly falls outside the realm of justice of war or justice in war, and the Rwandan conflict also disassembles the notion of women as beautiful souls, because women ordered and committed acts of genocide.

In examining theories on the relationship between women and war it is important to further explore the understanding of military action as masculine. The equation placing militarism and power equal to the masculine ideal leads to the conclusion that anything understood as feminine is without power. Men are persuaded to participate in conflict generally, as well as the militarization of ethnic nationalism specifically, through the explanation that their manhood (or the masculine ideal) can only be validated through military participation (Enloe, 1998, 55). Because this militarized, masculine ideal is

upheld as positive, anything feminine is understood as negative. Goldstein (2001, 356) explains:

Men's participation in combat depends on feminizing the enemy and enacting rape symbolically (and sometimes literally), thereby using gender to symbolize domination...psychologically they assume a masculine and dominant position relative to a feminine and subordinate enemy.

Therefore, women are simultaneously understood as powerless, but also as appropriate victims of sexual violence in times of war because they are seen in the same way the weak, feminized enemy is seen. Sex in wartime is not limited to rape because it can also include voluntary participation or trading sex for money or food (Goldstein, 2001, 338). However, rape in war can be a means of territorial control and domination to terrorize and humiliate civilian populations representing a failure of men to protect their women (Goldstein, 2001, 362-364). Wartime rape (especially gang rape) is also a tool for promoting cohesion among the perpetrators (Goldstein, 2001, 365). Notions of militarization and violence as masculine traits, and therefore positive traits, are part of a dichotomy in which the feminine ideal is understood as non-violent and also negative relative to the masculine ideal. These notions are useful for examining the role of women as victims in the Rwanda genocide because they help explain the participation of men in order to fulfill the desired gender role and the pervasive use of rape as a tool of war.

Women in War: Women as Perpetrators

In addition to understanding the theoretical basis for women as victims of war, it is also important to recognize that gender analysis can help explain the roles of women as perpetrators of violence. Elshtain, Enloe, and Goldstein explain the gender dichotomy that leads to the understanding of men as military "just warriors" and women as civilian "beautiful souls." I would argue that gender roles should be understood as less dichotomous and more graduated as Cockburn (2001, 16, 21) explains, with the case of Rwanda providing an example of female perpetrators. The case of the Rwanda genocide reveals that the previously accepted equation of women and peace can no longer be

substantiated (Jones, 2002, 88). Traditional understandings of gender roles, specifically the relationship between women and violence/war, must be altered and extended (Jones, 2002, 89).

The knowledge that Rwandan women perpetrated genocide requires that feminist scholars, as well as scholars of violence and ethnic conflict, refrain from confining women to traditionally understood roles as victims or peacemakers. Sharlach (1999, 388) explains, “we (feminists) have yet to examine fully the implications for feminist theory of catastrophes such as Rwanda in which women are both victims and villains,”; however, examining the methods and nature of the violence can contribute to understanding the necessity of women’s involvement. Although the involvement of women in perpetrating the genocide does not fit into the “schema of women as victims,” understanding that the tools of genocide usually required several killers per victim can help explain the necessity and importance of female involvement (Sharlach, 1999, 387-388). Mamdani explains that the Rwanda genocide was carried out by a large percentage of the population. The involvement of women in planning and perpetrating the genocide is more easily comprehended in a situation in which all Hutus (even women) were expected to carry out violence against the Tutsi people.¹

Understanding women’s agency as perpetrators of conflict, specifically in the case of Rwanda, contributes to feminist gender analysis by exposing the varied roles of women. Examining the agency of women in the Rwanda genocide also contributes to the study of ethnic conflict. While gender analysis reveals the need to understand women’s experiences in conflict in a broader context than they have traditionally been understood, Enloe (1998, 52) explains:

The research that takes women’s experiences of nationalism seriously reveals that many more decisions are made that determine the course of any ethnic conflict transformation or nationalization movement than most of us could ever imagine.

¹ “The nationalist radio broadcasters stressed that all Hutu, whether female or male, capable of killing Tutsi had the civic obligation of doing so...Additionally, the broadcasters demanded that *all Tutsi*, regardless of sex or age, must die” (Sharlach, 1999, 397).

Realizing that women's roles in ethnic conflict are not limited to that of victim helps reveal the involvement of people at all levels in the decisions that are made in constructing and sustaining a nationalist movement. The number of active decisions made during nationalist movements has been previously underestimated, and thus the flow of power has been misunderstood (Enloe, 1998, 52). Revealing the agency of women in conflict allows a clearer understanding of power relationships in ethnic conflict. In the case of Rwanda, ethnic identities were instrumentalized in order to bring about genocide. The participation of women reveals the extent to which the population was involved in the conflict. Women were not on the periphery of the conflict as victims or as perpetrators and they should not be a marginalized demographic group in the reconciliation and reconstruction efforts.

Women in the Aftermath and Reconciliation

In addition to understanding the roles of women during the genocide through a theoretical lens, it is also important re-conceptualize the roles of women in the aftermath of the genocide. In examining women's post-conflict roles it is important to consider that war does not end abruptly with a clear cut off to the violence, and that inequality spurs violence (Cockburn, 2001, 25, 29). Women were not removed from the violence of the genocide as victims or perpetrators; therefore, female participation in reconciliation is crucial. Women's participation is necessary not only because equality of involvement helps ensure peace (groups that are marginalized in the aftermath could be prone to reinitiating violence), but also because women are central to the physical reconstruction of Rwanda (Hamilton, 2000, 1). As will be shown in the chapters on the International Criminal Tribunal for Rwanda, the Gacaca system, and women in the aftermath, in post-conflict Rwanda women have taken on roles that were traditionally reserved for men, and working together as women they have been able to handle many problems that have occurred in the wake of the genocide (Twagiramariya and Turshen, 1998, 114).

Hamilton explains that women should not be viewed as just another demographic group in Rwanda and “because women constitute the vast majority of the adult working population, they are central to economic development and reconstruction” (Hamilton, 2000, 1). Women were involved in the Rwanda genocide in almost every capacity, and rebuilding Rwanda and reconciling the people to one another necessitates recognition of their involvement in the aftermath. As will be shown in the chapters on the Gacaca system and women’s roles in reconciliation, organizations in Rwanda are empowering women to be involved in all areas of Rwandan life from the community level to the national level. The overall picture of women’s involvement in the reconciliation of Rwanda is that women’s commonalities to one another should be emphasized, as well as the sustainability of women’s involvement in all levels of formal and informal rebuilding.

CHAPTER 3

THE CREATION OF ENEMIES: A BRIEF HISTORY OF THE RWANDAN PEOPLE

Introduction

In order to understand the position of women in Rwanda during the genocide and in its aftermath, it is important to have a general understanding of the history of the Rwandan people leading up to the 1994 genocide. Although there are many unique aspects of the genocide that took place in 1994, the conflict between the Hutu and Tutsi peoples was not an aberration. While a primordialist argument that these groups were certain to kill one another based on ancient hatreds is not sustainable because the genocide was incited rather than an inevitable outcome, the history of Hutu/Tutsi interaction prior to the genocide is helpful in order to better understand why and how the 1994 genocide took place. Recognizing the roles that German and Belgian colonists played in creating and sustaining ethnic divisions is vital in order to comprehend the genocide as an outgrowth of the instrumentalization of what Mamdani understands as political rather than ethnic identities (Mamdani, 2001, 15). Rwandan history shows the Hutu and Tutsi as more alike than different, sharing language, religion, and general cultural identity. The intention of this historical overview is to acknowledge the creation of ethnic/racial identities as a backdrop for understanding the 1994 conflict and the position of women during the genocide and in the post-genocide society. The Hutu and Tutsi people are not “inherently” different; they have been able to live together in community (evidenced by the high-rate of intermarriage prior to the genocide) and must live peacefully in community in post-conflict Rwanda.

Pre-colonial History

The history of the Rwandan people prior to colonization, specifically with regard to ethnic relations, is difficult to discern. Rwanda was a centralized kingdom with no

ethnic, cultural or linguistic divisions from the 1300s to the late 1800s. Social differentiation and ethnic identification occurred when Rwabugiri (modern Rwanda and Burundi) was colonized and administrative structures were put in place (1860-1895) (Turshen, 2001, 57-58). The lack of ethnic differences in pre-colonial Rwanda is not the entire story, however. The story of the Rwandan people prior to colonization has also been seen through the lens of the colonizers, which has affected how the Rwandan people understand their history. Early German accounts claim that Batutsi monarchs [modern Tutsi] descended from invaders from Ethiopia or the Middle East. The Batutsi immigrated in the twelfth or thirteenth century and set themselves as dominant over the indigenous Bantu/Bahutu [modern Hutu]. This historiography set forth the notion that Hutu are indigenous Rwandans, while Tutsi are aliens (Hintjens, 1999, 252).² The idea of the Tutsi as foreign and Hutu as indigenous was a useful myth for colonizers when determining who among the native people should share their power. German and Belgian colonists held the Tutsi people above the Hutu. The idea of alien versus indigenous, Hutu versus Tutsi, was important in legitimizing the idea of “Hutu power” in the 1994 genocide.

German and Belgian Colonization

Rwanda was first colonized by Germany in the 1890s. Germany’s control over Rwanda lasted only until their 1918 defeat in World War I. As a result of this defeat, the League of Nations mandated that Rwanda along with Burundi be given to Belgium, which was also the colonial holder of the Congo at the time (Turshen, 2001, 57-58). Ethnic divisions between Hutu and Tutsi were reinforced and structured under the

² This paper is centered on the relationship of women to the 1994 genocide and their empowerment in the aftermath, and not the cause of the conflict itself or when the roots of conflict were planted. Therefore, this section on the history of the Rwandan people is not intended to discern the origins of the Hutu and Tutsi people; however, understanding the idea of Hutu as Rwandan and Tutsi as foreign helps facilitate an understanding of the attitudes of those committing violence during the genocide.

Germans and the monarchy of ruling Tutsi was entrenched under the Belgians (Turshen, 2001, 57-58). Under the Belgian colonization Rwanda's Hutu were relegated to cultivation, while the Tutsi were given access to education, jobs in the modern sector, and administrative posts. The Belgian colonizers also issued identity cards recording these political divisions as ethnic identities (Turshen, 2001, 57-58). In his explanation of the 1994 genocide, Mahmood Mamdani asserts that Hutu and Tutsi identities were political identities, rather than ethnic identities. Hutu and Tutsi identities were constructed by the colonial state portraying the Hutu people as indigenous Rwandans and the Tutsi people as aliens (Mamdani, 2001, 34). Mamdani (2001, 14) explains,

To understand the logic of the genocide...it is necessary to think through the political world that colonialism set into motion. This was the world of settler and the native, a world organized around a binary preoccupation that was as compelling as it was confining. It is in this context that Tutsi, a group with a privileged relationship to power before colonialism, got constructed as a privileged *alien settler* presence, first by the nativist revolution of 1959, and then by Hutu Power propaganda after 1990.

Ideas about the origins of Hutu and Tutsi people and what their relationships to one another should be were in large part created by German colonists and reinforced by Belgian colonists. While the 1994 genocide was not executed solely based on these colonial ideas, they certainly played a large role in creating binary opposites of the Hutu and Tutsi people.

Before Rwanda was colonized by the Germans and Belgians, Rwandan people were not distinguishable due to their language or religion, and intermarriage between Hutu and Tutsi people was very common. Colonists asserted that Tutsis were more "Caucasian" in appearance, and this differentiation was used to designate them the ruling class, the class that received higher education and administrative posts when the Hutu majority did not (Landesman, 2002). For the system of discrimination to be effective, because Hutu and Tutsi were not distinctly different in appearance, in 1933 Belgian colonizers instituted identification cards. The process of identifying people as Hutu or Tutsi was difficult and not scientific. Considering the prevalence of intermarriage

between the groups through Rwandan history, it was difficult to discern racial differences; however, the result was that 84% declared themselves Hutu and 15% declared themselves Tutsi (Landesman, 2002).³ Because identification as a Hutu or a Tutsi was more of a political and economic distinction than a scientific or ethnic distinction, in the past Rwandans have changed identification from Tutsi to Hutu or visa versa depending on their changed circumstances or affiliations. When Hutus became wealthy they relabeled themselves Tutsi, and when Tutsi became poor they relabeled themselves Hutu (Landesman, 2002). Although so-called racial identities of Hutu and Tutsi were not clear even during colonial rule, the assumption that the Batutsi [Tutsi] were racial superiors determined the organization of many aspects of Rwandan life including school, church, administration and the army (Hintjens, 1999, 253). Regardless of the purpose or methods of racial identification in Rwanda, the result for the people was a system largely imposed by outsiders leading to ethnic divisions.

Revolution and Independence

The "Revolution" in Rwanda began in 1959 and ended with independence from Belgium in 1962. While the Belgian colonizers had traditionally allied with the Batutsi [Tutsis], by the late 1950s they were championing the cause of the majority Bahutu [Hutu] population. When the negotiated end of Belgian rule occurred in 1962, the Belgian appeared as allies to the Hutu, fighting against the Tutsi (Hintjens, 1999, 254). Hutu-Tutsi relations had also changed by the time the "Revolution" started in 1959. By this time the relations were no longer seen as merely economic or ideological, the relationship was seen as an "unjust 'racial' social order," more coercive and exploitative than previously, and a negative, no longer acceptable, outgrowth of colonial power (Hintjens, 1999, 254). Leading up to the "Revolution", in 1957 the Bahutu Manifesto

³ This redesignation of ethnic belonging reveals that ethnic identification in Rwanda has not been solely the result of a person's birth into a group. Redesignation based on economic standing is also important to note because it reveals the disparity of wealth between the groups, a factor that has led to conflict and the desire for "Hutu power" in the Rwanda economy.

was put forth stating the “Hutu’s desire to end Tutsi dominance once and for all” (Hintjens, 1999, 255). Although the manifesto was fairly moderate in its recognition that poor Tutsis suffered along with the Hutu, the violence and exile that took place was not moderate (Hintjens, 1999, 255). The ‘Revolution’ included the overthrow of the Tutsi king by the Hutu, deaths of thousands of Tutsi, and the exile of around 150,000 people to neighboring countries (CIA World Factbook). The deaths and exile of Tutsi people reveal the desire of the militant Hutu to not only gain power for themselves in the Rwandan system, but to remove Tutsi people from Rwanda. After the Revolution the Hutus held most of the top posts in government. Gourevitch (1998, 61) describes this era as a time when:

Hutu dictatorship masqueraded as popular democracy, and Rwanda’s power struggles became an internal affair of the Hutu elite, very much as the feuds among royal Tutsi clans had been in the past. Rwanda’s revolutionaries had become what the writer V.S. Naipaul calls postcolonial “mimic men,” who reproduce the abuses against which they rebelled...

The violence that took place against the Tutsi after the Revolution, specifically in December of 1963 and January of 1964, does not compare to the 1994 genocide in numbers; however, it was a genocide in intent including the murder of Tutsis and destruction of their homes following an invasion by several hundred Tutsi from Burundi just before Christmas of 1963 (Gourevitch, 1998, 64-65).⁴ Rwanda’s independence from Belgium occurred in 1962 yet relations between Hutu and Tutsi were not significantly improved until the 1980s (a time when the Rwanda economy was also significantly improved). Evidence of improved relations is that 40% of the population was intermarried at this time and the percentage of intermarriage was up to 75% in some regions of Rwanda (Turshen, 2001, 57-58). The time period between late 1950s and the

⁴ There were also genocidal acts committed in Burundi in relation to Hutu and Tutsi conflict. Gourevitch explains, “the genocidal frenzy in Burundi exceeded anything that had preceded it in Rwanda. At least a hundred-thousand Burundian Hutus were killed in the spring of 1972, and at least two hundred thousand fled as refugees- many of them to Rwanda” (1998, 67).

early 1960s showed poor relations between Hutu and Tutsi which never completely healed; however, the period from the 1960s until 1990 was a time of intermarriage and social integration between the groups in Rwanda.

Civil War and the Arusha Accords

A new chapter in Rwandan history began in October of 1990 when the children of exiled Tutsis formed the Rwandan Patriotic Front (RPF) and started the civil war by invading from Uganda (CIA World Factbook; Turshen, 2001, 57-58). The intention of the RPF army was to liberate, yet it became an army of occupation, with their military victories resulting in people fleeing from the areas they controlled (Mamdani, 2001, 185-186). On the other side of the conflict, the regime under President Habyarimana aimed at ethnic reconciliation at the onset of the war, but this pledge turned into a promise of Hutu power by the end of the war (Mamdani, 2001, 185). The civil war resulted in about two million internally displaced people and about two million refugees in neighboring states (Turshen, 2001, 57-58). On August 4, 1993 President Habyarimana signed the Arusha Accords with the Rwandan Patriotic Front (RPF) in hopes of resolving the conflict but in April 1994, “Hutu extremists turned the struggle for power among the government, its opposition, and the Rwandan Patriotic Front...into a vicious and bloody genocide” (Gourevitch, 1998, 99; Turshen, 2001, 57-58).

While the Tutsi had traditionally been favored for positions of power within the government, by the early 1990s Hutu members of the *akazu* (small house), including President Habyarimana’s wife, Agathe, had tight control over the president’s political networks and dominated control over central ministries and regional government (Hintjens, 1999, 259). The *akazu* represented the core of ‘Hutu power’ and operated on the premise that Hutu people were not only the majority of Rwanda, they were the nation while Tutsis were a non-Rwandan, alien minority (Mamdani, 2002, 190).⁵ As a result of

⁵ Akazu: “Claiming historical legitimacy from a long line of independent Hutu kinships located in north-west Rwanda, this group had tight control over President

the failure of the Arusha Accords, desires for power, instrumentalization of Hutu and Tutsi identities, and the economic poverty of Rwanda at the time, a genocide primarily perpetrated against the Tutsi resulted in the deaths of 800,000 to a million Rwandans. Any harmony or peace that resulted from the Arusha Accords was lost on April 6, 1994 when Rwandan President Juvénal Habyarimana's jet was shot down (Power, 2002, 329).

1994 Genocide

The genocide that took place in Rwanda in 1994 does not compare to most of the warfare of the twentieth century. Although other ethnic conflicts, such as the Nazi genocide, were committed in a systematic and swift manner, the Rwandan genocide “would prove to be the fastest, most efficient killing spree of the twentieth century” (Power, 2002, 334). The speed with which 800,000 to one million people were killed in only 100 days is difficult to comprehend considering the tools of war were machetes, nail-studded clubs, and men's bodies, not the gas chambers of the third Reich (Sharlach, 1999, 387). Overall, more men than women were casualties of war; however, the majority of the genocide victims were children (Sharlach, 1999, 393). The Rwandan government did not commit the genocide, yet prepared the population by enraging and inciting the people to kill one another (Mamdani, 2001, 6). In the conflict Hutu were killed as individuals, while Tutsi were killed as a group (Mamdani, 2001, 5). Ethnic identities were used to incite violence; genocidaires also killed with the hopes of gaining economic power in a poverty-stricken country.

The 1994 Rwanda genocide resulted in an incredible number of deaths. While most of the casualties were male, in many ways Rwandan women have experienced the brunt

Habyarimana's extensive networks of political patronage. By the early 1990s, *akazu* members had come to dominate the most strategic positions both in central ministries and in regional government. The growing dominance of this small group of Bahutu northerners over every sphere of Rwandan life came to be deeply resented as the economic recession deepened, and this led to an upsurge in support for opposition political parties” (Hintjens, 1999, 259).

of the genocide. The effects of the genocide linger in many ways for the women of Rwanda. For example, women are now facing the reconstruction of their country without their husbands, who have traditionally been the economic actors in the Rwanda economy, while women also continue to suffer due to the physical and emotional effects of the sexual violence committed against them. The killing and raping spree that took place during the genocide was largely based on the Hutu Ten Commandments and within these rules the position of women during the genocide is revealed. The commandments most relevant to the study of female victims as presented by Power (2002, 338-339) are:

1. Every Hutu should know that a Tutsi woman, where she is, works for the interest of her Tutsi ethnic group. As a result, we shall consider a traitor any Hutu who: marries a Tutsi woman, befriends a Tutsi woman, employs a Tutsi woman as a secretary or concubine
2. Every Hutu should know that our Hutu daughters are more suitable and conscientious in their role as woman, wife and mother of the family. Are they not beautiful, good secretaries and more honest?
3. Hutu women, be vigilant and try to bring your husbands, brothers and sons back to reason.

After Mid-May of 1994 when the conflict was underway, the leaders were ordered not to spare Tutsi women and children. This lack of protection for Rwanda's civilian population led to the rapes of women and girls all over Rwanda between April 6 and July 12, 1994 (Sharlach, 1999, 387). While the ethnic dimension of this conflict is clear, the gendered nature of the conflict is also apparent. During the Rwanda genocide, rape was a tool of war and women were victims in specific ways due to their sex; however, women also participated in the conflict as perpetrators. The history of the Rwandan people reveals that the 1994 genocide was not an aberration, that ethnic identities in Rwanda had been previously mobilized for violence, and that ethnic identities were instrumentalized to incite genocide. The history of the people and the background of the 1994 genocide provide an important basis for understanding the roles of women during the conflict and in the aftermath.

CHAPTER 4

SEXUAL VIOLENCE AS A TOOL OF WAR: WOMEN AS GENOCIDE VICTIMS

Introduction

In the Rwanda genocide women were targeted for murder, rape, and mutilation because they belonged to a particular ethnic group – Tutsi. Although rape in wartime has historically been seen as a “by-product of war,” in the case of Rwanda it was committed systematically as a tool of war (Copelon, 1998, 63). Hundreds of thousands of Rwandan women were victims of sexual violence, which was committed in order to destroy an ethnic group. Sexual violence during the conflict was committed systematically and was part of an attempt to destroy the woman’s society and invert the existing social norms (Turshen and Twagiramariya, 1998, 105). While the purpose of the Hutu Interahamwe was to kill, one witness has stated that the men seemed “particularly obsessed with what they did to women’s bodies” (Landesman, 2002). While not all female victims of sexual violence experienced the same forms of violence, sexual torture was a tool used to mutilate their bodies furthering the cause of destroying the Tutsi group. During or after rapes women were mutilated by the cutting off of their breasts; puncturing their vaginas with spears, arrows, sticks, gun barrels, bottles, and stamens of banana trees; and the pouring of water and acid into their genitalia (Graybill, 2001, 271; Landesman, 2002). Women’s bodies became combat zones where the weapons of war were forms of sexual violence. The genocide that took place in Rwanda was constructed around the idea that the Hutu and Tutsi are distinct and different ethnic groups. Therefore, the sexual violence that took place attacked the reproductive capabilities of women and was part of the attempt to destroy the Tutsi ethnic group.⁶ Yuval-Davis explains that women’s

⁶ The U.N. Special Rapporteur estimated that between 250,000 and 500,000 Rwandan women were raped during the genocide. This number is based on the number of

reproductive roles are important in ethnic and national discourses, because most people join ethnic or national collectivities by being born into them and ethnic identities are constructed around the notion of “common origin” or common ancestry (Yuval-Davis, 1996, 17).

The central importance of women’s reproductive roles in ethnic and national discourses becomes apparent when one considers that, given the central role the myth (or reality) of “common origin” plays in the construction of most ethnic and national collectivities, one joins the collectivity usually by being born into it...those who are preoccupied with the “purity” of the race would also be preoccupied with the sexual relationships between the members of different collectivities (Yuval-Davis, 1996, 17-18).

Tutsi women were victims of genocidal violence because of their role as reproducers. Women were victims of sexual violence in order to destroy their reproductive capability. Rape victims in Rwanda have been hindered in their ability to reproduce their own ethnic group because rapes have resulted in great shame for the victims (making them undesirable reproducers in their own ethnic group), diseases contracted during rapes have hindered their reproductive capabilities, and the women’s bodies have been occupied bearing the children of their rapists rather than children of their own ethnicity. In Rwanda violence against women took many forms, with attacks on their reproductive capability at the center.

Purposes of Violence Committed Against Women

Instrumentalization of Ethnic Identity and Sexual Violence

In the case of Rwanda it is important to understand that rape was much more than “bounty of war.” Rape and other forms of sexual violence that took place in 1994 Rwanda were part of the strategy of genocide. Lisa Sharlach asserts that, “the level of the modern state’s involvement in genocidal rape has escalated from ‘toleration’ to ‘encouragement and sanction’ to ‘institutionalization’ to ‘instrumentalization’ as a tactic

pregnancies caused by rape during this time, between 2,000 and 5,000 (Sharlach, 1999, 393).

serving strategic war aims” (Sharlach, 2002, 108). In setting the stage for genocide and the mass rapes, the Rwandan government disseminated propaganda that sexualized and demeaned Tutsi women (Sharlach, 1999, 393-394).⁷ Before the genocide took place,, Tutsi women had been stereotyped as arrogant, immoral, and hyper-sexual. These were stereotypes the hate radio and the propaganda campaign used to create a climate in which Hutu people were convinced Tutsi women deserved their fate in the hands of sexual torturers (Sharlach, 1999, 394). In 2003 the ICTR recognized the importance of gender propaganda in mass media hate speeches. The tribunal also recognized the mass rapes as “a foreseeable consequence” of the propaganda and “hinted strongly in favor of recognizing media causation of genocidal rape, particularly with respect to the likelihood element of incitement.” (Harvard Law Review, 2003, 2775-2776). As will be shown later the ICTR cases against *Jean-Paul Akayesu* and *Pauline Nyiramasuhuko* also reveal that rapes were premeditated and rape was a weapon of war. The goal of the Hutu Interahamwe in the genocide was to eradicate the Tutsi group and sexual violence against Tutsi women was a method of achieving this goal. “Most rape survivors of the rapes during the genocide report that attackers mentioned their ethnicity before or during the rape” (Sharlach, 1999, 394). Both perpetrators and victims were aware that rape and other forms of sexual torture were committed for the purpose of destroying the Tutsi people.

Attack on Women’s Reproductive Capabilities/Rape as Genocide

In the case of Rwanda sexual violence against women was perpetrated for the purpose of genocide. As Yuval-Davis asserts, women were attacked in order to damage the reproductive capabilities of the Tutsi ethnic group in Rwanda. Among the Tutsis, women were specifically targeted because of their gender, their role as reproductive

⁷ “The extremist propaganda which exhorted Hutu to commit the genocide specifically identified the sexuality of Tutsi women as a means through which the Tutsi community sought to infiltrate and control the Hutu community. This propaganda fueled the sexual violence perpetrated against Tutsi women as a means of dehumanizing and subjugating all Tutsi” (Nowrojee, 1996, 3).

vessels (Copelon, 1998, 70). Acts of genocide are “committed with an intent to destroy, in whole or in part, ethnic, racial, national, and religious groups,” and the rapes and mutilations of Rwandan women during the conflict in 1994 fall into the category of genocide (Neuffer, 2002, 277). In the past, rape has rarely been considered a tool of genocide; however, the Rwandan and Yugoslav conflicts present cases where rape was used to destroy ethnic groups by interfering with women’s reproductive capabilities, including the mutilation of body parts preventing them from having children in the future or impregnating them with a child of the other ethnic group, thus diluting the ethnic group of the victims (Neuffer, 2002, 277). Ethnic identity follows patrilineally (based on the father’s identity) in Rwanda, and as ‘reproductive vessels’ both Hutu and Tutsi women were raped for the purpose of bearing children of the rapist’s ethnic identity (Turshen and Twagiramariya, 1998, 104). Mutilation of reproductive organs, impregnation, and sexual violence of all types, due to the stigma associated with rape in Rwanda, were effective in disabling women from producing children of their ethnic identity and were tools of ethnic conflict.

Sexual Violence to Humiliate an Ethnic Group

Sexual violence was also used during the Rwandan conflict to humiliate the ethnic group of the female victims. This tactic of group humiliation was effective because Rwandan women have been understood as the property of the men in their families and property of their ethnic group. The notion of women as property also helped men dehumanize their victims. Pillay (2001, 43) explains:

In order for men to carry out atrocities against women, they need a psychological construct that reduces women to property and objectifies women as the ‘other.’ It is this perception of ‘otherness’ that allows men to carry out the most heinous acts of violence.

Understanding Rwandan women as property simultaneously allowed men to view their bodies as battle grounds and fueled their desire to take possession of Hutu or Tutsi property, the women of the other ethnic group. Neuffer explains, “rape as a part of

warfare is not just about having sex, it is about having someone else's property (Neuffer, 2002, 272). Once in possession of the 'property' of the opposing ethnic group, rapists used sexual violence as a tool for humiliating the ethnic group of their victim. Rape was a form not only of mutilation and torture, but also sexual humiliation, and an effective tool in destroying "the morale of a woman, her family, and perhaps her entire community," (Sharlach, 1999, 396). Rape was also committed to humiliate the men of the woman's ethnic group and as a part of destroying "the enemy" (Copelon, 1998, 71). When a Hutu man committed sexual violence against a Tutsi woman, it was an attack on her personally, her ethnic group, and also the men of her community who were not able to protect her. Victims of rape experienced great physical and emotional distress during the horrific acts, but in addition to this, "the aftereffects of rape -- forced impregnation, psychological trauma, degradation, and demoralization -- go beyond the rape victims themselves," affecting the victim's ethnic group (Sharlach, 2002, 107). Sexual violence was an effective method for humiliation that endured long after the act was committed.

Transmission of HIV/AIDS: Unique Aspect of the Rwanda Genocide

The sexual violence committed during the ethnic conflict in the former Yugoslavia in the early 1990s shares many similarities with the violence that took place in Rwanda. In both cases women were impregnated for the purpose of diluting their ethnic group; however, rape was perpetrated on a much greater scale in the Rwanda genocide than in the former Yugoslavia (Jones, 2002, 81). In addition to this difference, in Rwanda rape was also a tool used to spread the deadly HIV virus (Sharlach, 1999, 91). Sharlach explains, "a uniquely Rwandan component of rape as genocide was the deliberate transmission of HIV" (2000, 117). She explains that Hutu men with HIV raped in order to transmit the virus to their victims to cause them to have a slow and painful death and this "intentional transmission of HIV [was in essence] a protracted genocide" (Sharlach, 2000, 117). When considering this component of rape as genocide, it is important to understand that an estimated 45 to 60 percent of Rwandan soldiers and

even more officer corps were infected with HIV before the war (Turshen, and Twagiramariya, 1998, 110). The high number of rape victims who have tested positive for HIV since the genocide is not surprising with the understanding that so many rapists had the virus and were purposely transmitting it.⁸ In addition to the soldiers with HIV/AIDS who spread the virus to their rape victims, AIDS patients in hospitals were also utilized to spread the virus to Tutsi women. Rwanda's current president, Paul Kagame, has stated, "we knew that the government was bringing AIDS patients out of the hospitals specifically to form battalions of rapists" (Landesman, 2002). HIV/AIDS transmission was part of rape as a tool of war, a method of genocide.

Dehumanization of Victims

Another important aspect of the sexual violence committed against Rwandan women is that it clearly demonstrates the dehumanization that takes place during ethnic conflict. In the context of Rwanda and other ethnic conflicts where sexual violence has been used, rape is a form of violence that attacks the integrity of the individual, as well as her identity as a woman, in order to dominate and dehumanize her (Copelon, 1998, 76). There are many examples of sexual torture during the Rwanda genocide which reveal the desire of perpetrators to denigrate their victims. Particularly disturbing are victim's stories that recount the involvement of their children in sexual violence committed against them. Many children watched their mothers as they were violated, and in one case, a twelve-year-old boy was forced to rape his own mother while his five younger siblings held her legs apart and their father watched (Landesman, 2002). In another case, a ten-year-old boy chose to kill a man rather than have sex with his mother (Jones, 2002, 76). Sexual violence of this type reveals that women were viewed as sub-human, or property, as Pillay explains. In addition, the acts of sexual violence further dehumanized the victims. Female victims were viewed as sub-human because of their ethnicity, but

⁸ "In a survey of 1125 survivors carried out by AVEGA[Association of Genocide Widows], it was found that some 80% remain severely traumatized, and about 70% of them have tested HIV positive" (AVEGA Website: History of AVEGA).

also because women have been understood as objects. Proof of the objectification of all Rwandan women is that some Hutu soldiers even raped women and girls of their own ethnic group. In some cases Tutsi ID cards were stolen and given to Hutu women and girls in order to declare them Tutsi. The soldiers took advantage of this re-labeling to plunder from the women, rape, and kill them (Turshen, 2001, 59). These examples reveal that Rwandan women were dehumanized on the basis of their ethnic group, as well as gender, to label them as acceptable victims of the atrocities committed against them, and that sexual violence further dehumanized them.

Sex Slavery and Rape as Reward

While there are many unique aspects of the sexual violence committed during the genocide in Rwanda, including the use of rape as a tool of genocide through spreading HIV/AIDS and damage to reproductive capabilities, sexual violence was also committed in the more widely understood notion of pillage or “war booty.” While rape as “war booty,” or reward, is generally performed less systematically than rape as genocide, the consequences for the victims are just as grave. Copelon explains that rape “maintains the morale of the soldiers, feeds their hatred and sense of superiority, and keeps them fighting” and in cases where rape as booty of war has been systematized, it is as much an engine of war as genocidal rape (Copelon, 1998, 69). Rape as reward occurred during and after the 1994 genocide in Rwanda, during looting, and also under the guise of marriage, more aptly termed sex slavery. In order to receive what is difficult to call “mercy” from the killers, many women surrendered themselves sexually (Jones, 2002, 75 and 81). Women were raped during mass arrests and then distributed among the militia to serve as a “wife” for a man who had killed or contributed to the death of their family. This sex slavery was disguised as marriage through the performance of “bogus weddings” (Sharlach, 1999, 395; Turshen, 2001, 63). In addition to the false marriages, rape as reward took place when soldiers looted or destroyed houses, abducted women, and forced them to serve as prostitutes for their fellow men (Sharlach, 1999, 396). Some

young, mostly Tutsi, girls have been referred to as “ceiling girls” because the RPF (Rwandan Patriotic Front) found them hiding in ceilings of huts. The girls had been taken as a war prize by soldiers and given to superior officers (Turshen and Twagiramariya, 1998, 108). Some women were also forced to be concubines to enable them to reclaim their family property (Turshen and Twagiramariya, 1998, 109). These stories reveal the extent to which women were victimized during the genocide in Rwanda. Women were victims of sexual violence over and over again and, while the intent of the perpetrators is important for understanding the unique aspects of the case with regards to rape as a tool of genocide, it is important to recognize the grave consequences for all victims of sexual violence.

Consequences for Victims and Their Families

The horrific sexual violence committed against the women of Rwanda has had effects far beyond the pain and degradation of women during the acts of rape. Post-genocide rape victims have dealt with health as well as social consequences of the violence committed against their bodies and their persons. Sharlach explains that the rape women experienced has included “continued sexual victimization.” Victims of rape have struggled with whether they should share their stories, dealt with unwanted pregnancy and the fact that abortion is illegal in Rwandan, have suffered psychological problems, and have been infected with the deadly HIV/AIDS virus transmitted to them during rape. All of these problems contribute to poverty (Sharlach, 1999, 393). Widows who have been raped, and especially those who have contracted HIV/AIDS, have difficulty moving past the trauma of their experiences, which is something they must do in order to earn a living for their families (Sharlach, 1999, 393). Women are also often accused by their families or communities of deserving the violence that was committed against them (Turshen and Twagiramariya, 1998, 109). All of these consequences of sexual violence are important to consider when assessing the effects of the genocide, but also the position of women in the aftermath.

Social Stigma

One of the most difficult to measure consequences of sexual violence for the Rwandan women is the social stigma associated with rape. Rape was often part of a strategy to inflict a protracted, slow death upon the Tutsi women. The women who suffered tremendously during the violence continue to suffer because their rape has caused them shame in their communities. In Rwandan society many victims have been perceived as willing participants in the sexual acts; people who voluntarily sold themselves in order to survive (Sharlach, 2000, 99). It is appalling that women had to choose between rape and death, but even more disturbing that they are held responsible for the sexual violence perpetrated against them. As a result of their social isolation and ostracism from their communities, “many Rwandan women who survived rape contemplate suicide; some feel guilty for having submitted, and some are accused of having chosen life over death” (Turshen and Twagiramariya, 1998, 110). There are many consequences of the shame that female victims feel, including lack of reporting of rapes (which makes prosecution of sexual violence difficult), as well as the unmet healthcare needs of victims (Turshen and Twagiramariya, 1998, 110).⁹ The shame and responsibility the victims feel for what happened to them affects the justice process, the reconciliation of the Rwandan people to one another, and the overall ability of the country to provide for itself economically.

Children of Rape

Another consequence of the rapes committed has been the births of thousands of unwanted children. It has been estimated that between 2,000 and 5,000 children came into the world as a result of the rapes committed during the genocide. These children not only present another child that must be provided for, but are also children that represent the torture and pain their mothers experienced during the genocide. The children are

⁹ In the report “Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath” Nowrojee (1996, 4) explains that, “unfortunately the stigma surrounding sexual abuse often dissuades women from seeking the medical assistance they need.”

commonly considered Hutu regardless of whether the mother is Hutu or Tutsi, and have been given names meaning “Children of Shame,” “Gifts of the Enemy,” “Little Interahamwe,” or “Devils’ Child” (Sharlach, 2002, 117; Turshen and Twagiramariya, 1998, 104). Many rape victims are reminded of the sexual violence and degradation committed against them through their relationships with their children. While it is impossible to erase the memories of the violence and genocide, efforts towards reconciliation must consider the consequences of rape for Rwandan women, including the children they bore as a result of rape. It is difficult to predict the reactions and feelings that these children (who are now about twelve) will have when they understand how their mothers came to be pregnant with them. The names of many of these children (“Little Interahamwe” for example) reinforce that the children were unintended, and the names also reinforce ethnic cleavages. While their common identity as products of the genocide might bring this generation of people together, it could also tear them apart if they cling heavily to their roots in one ethnic group and rebel against the other.

Property Issues for Female Survivors

Finally, post-genocide it has been difficult for female victims to rebuild their lives because of problems with female property ownership and resource management in Rwanda. Rwanda is dominated religiously by the Roman Catholic Church and is a country in which women are socially and legally limited in their control over labor, resources, and surplus of production (Turshen, 2001, 66). Even though some laws have been changed to allow women to own property, Rwandan society operates under the notion that men should maintain control of resources. The relationship between the women’s lack of autonomy and the sexual violence committed against them is that “rape exacerbates women’s vulnerability” (Turshen, 2001, 65). Many families do not want to deal with the social stigma related to illegitimate births and decide to no longer be responsible for the women in their family who have born illegitimate children. Rape victims who have given birth to their rapist’s child fall into this category (Turshen, 2001,

66). Genocide widows have also been excluded from resources, specifically their husband's land, unless they have a son who can care for the land and protect the widow. A law was passed in December 1999, however, which allows the surviving spouse rights to land when the couple was married, under the regime of community property (Turshen, 2001, 66). Resource control, land ownership, and familial support relationships are all affected by the acts of sexual violence committed against Rwanda's women. These are just a few of the more tangible consequences and aftereffects of rape for the female victims of the genocide which contribute to difficulties in rebuilding Rwanda and reconciling the people to one another.

Organizations Working with Female Survivors

Considering the specific needs of female survivors of the Rwanda genocide outlined in this section, it is important to look at what is being done to provide aid for women in the aftermath of the conflict. Organizations and government bodies in Rwanda have been working to help genocide victims, including specific measures for victims of sexual violence. AVEGA (Association of Genocide Widows) is an organization whose principle objectives are:

To promote the general welfare of the genocide victims; to promote solidarity among members of the association; to carry out activities aimed at helping the widows; to cooperate with organizations that have the same objectives; to uphold the memory of the genocide victims and to fight for justice; to participate in the national reconstruction and reconciliation process of Rwanda (AVEGA Website: Goals).

AVEGA recognizes the importance of helping the genocide widows, as well as witnesses and victims of sexual violence (AVEGA Website: History). AVEGA's achievements include: psychological and medical programmes such as a medical centre in Kigali and provision of counseling services; capacity building programmes improving living conditions and providing micro-credit; and advocacy, information, and justice programmes (AVEGA Website: Achievements).

ProFemmes is another organization promoting the interests of women in Rwanda by creating a forum for women's organizations. This forum helps the organizations to reinforce and mobilize one another to meet the needs of Rwanda women. An example of ProFemmes' work is their Peace Action Campaign which promotes peace, culture, training, and education, and generally reinforces women's economic power. Women's economic power is bolstered through researching technologies to help women in their daily lives and helping revise inadequate or obsolete laws (ProFemmes Website: Objectives and Program). ProFemmes' efforts also include successfully lobbying Rwandan parliament to include rape as a serious form of genocide (Sharlach, 2000, 100-101). The work of AVEGA and ProFemmes has been particularly important in the lives of Rwanda women after the genocide.

Sevota in Kigali, Rwanda, is another organization working to help genocide survivors, including: "widows, orphans, foster parents, and female survivors of violence and genocide" (Global Fund for Women Website: Newsletter, 2002-3). The organization encourages women's participation in rebuilding Rwanda and supports human rights education, health counseling, a wellness center, and rehabilitation and detraumatization services (Global Fund for Women Website: Newsletter, 2002-3). Some other examples of efforts working to meet the needs of women in post-conflict Rwanda include: work in 2002 by the Rwanda chapter of Forum of Activists Against Torture (FACT), which trained medical doctors to better communicate with sexual violence victims, conduct rape exams, and understand Rwandan law on sexual violence; efforts by the Rwandan National Police to improve its capacity to deal with sexual violence crimes (gathering medicolegal evidence, HIV counseling and testing, and post-rape assistance); and the establishment of the Child and Family Protection unit within the National Police which has jurisdiction over gender-based and sexual violence against women, men, and children (Human Rights Watch, 2004, 2). All of these efforts are important steps in helping the

victims recover from the violence committed against them and helping them establish healthier community environments in which sexual violence is no longer tolerated.

Conclusion

Although Rwanda's women experienced many of the same tortures due to their ethnic identity as their male counterparts during the Rwanda genocide, women also experienced particular types of violence due to their sex. Rape and other forms of sexual violence against women were used as tools of war, part of the systematic destruction of an ethnic group. Sexual violence served strategic war aims by destroying the ability of women to bear the children of their ethnic group, infecting women with HIV/AIDS as part of a protracted genocide, and shaming the victims and their communities. The consequences of this sexual violence have included ostracism from their communities, bearing unwanted children, living with HIV/AIDS, and difficulties controlling land and resources. While Rwandan women continue to deal with the consequences of the violence committed against them and there are no easy solutions to these problems, efforts by the National Police and organizations such as ProFemmes, AVEGA, and Sevota are playing important roles in restoring communities. Their efforts are contributing to the ability of Rwandan women to move forward in their lives and work productively.

CHAPTER 5

FEMALE VIOLENCE: WOMEN AS GENOCIDE PERPETRATORS

Introduction

There are many shocking aspects of the Rwanda genocide, including the incredible speed with which almost a million people were killed, but perhaps the most appalling reality is that women took part as perpetrators of the most heinous crimes, often against other women. Feminist scholar Jean Bethke Elshtain explains that women in wartime have been traditionally viewed “beautiful souls” while men have been viewed as “just warriors.” The Rwanda genocide challenges both of these stereotypes because there were hardly any “just warriors” in this conflict and some of the most vicious perpetrators were female. Elshtain explains that female violence, “falls outside the boundaries of our received narratives,” and therefore remains formless (Elshtain, 1994, 115). While history has shown that significantly more men than women have made war/acted as warriors, Rwandan women committed many atrocities during the 1994 genocide (Cockburn, 2001, 21). Jones explains that the “prominence of women in perpetrating the genocide,” in the Rwanda conflict is “historically unprecedented...in terms of the scale and directness of involvement,” (Jones, 2002, 65). He asserts that “the Rwanda test” refutes “the equation of women and peace that has dominated” the debate over gender and conflict (Jones, 2002, 88). The female perpetrators of the Rwandan genocide have varied backgrounds and held differing professional positions within their communities and nation. Female killers included anyone from prostitutes mobilized to kill children, to schoolgirls who killed their classmates (Sharlach, 1999, 392).

Women participate in nationalist movements/conflicts for many of the same reasons that their male counterparts are involved. Hence, gender divisions and relations are “an essential element [in] ideas about how society should function and be reproduced, or how values should be transmitted, and the ways in which the national is to be demarcated from

that which lies outside its boundaries,” and because of the role of women as reproducers of their nation, females often take on gender specific roles as perpetrators (Kofman, 1998, 92). In the case of Rwanda, violence by female perpetrators was often against other females, abounding in sexual undertones, and an attack on the victims’ ability to reproduce her “nation.” Nira Yuval-Davis (1996, 23) explains:

Despite the fact that usually, if not always, in the sex/gender systems in their societies men are dominant, women are not just passive victims, or even objects, of the ideologies and policies aimed at controlling their reproduction. On the contrary, very often it is women, especially older women, who are given the roles of the cultural reproducers of the nation and are empowered to exert control over other women who may be constructed as “deviants.” As very often this is the main source of social power allowed to women, they can become fully engaged in it.

Many Hutu Rwandan women were empowered through their roles as perpetrators of genocide against the Tutsi women who had been revered as the “sexual elite” but whom the Hutu women considered “deviants.” As Lisa Sharlach explains, “in 1994 Rwanda, a woman’s loyalty to her ethnic group almost always overrode any sense of sisterhood to women of the other major ethnic group” (Sharlach, 1999, 388). Many women have participated in ethnic conflicts in efforts to promote or protect their “nation”. Moving beyond the narrow understanding of women as victims in ethnic conflicts is important in order to discern the true nature of power relations in violent nationalist conflicts (Enloe, 1998, 53). This section focuses on female perpetrators in the Rwanda genocide, including descriptions of specific actions taken by accused female génocidaires.

Actions of Female Perpetrators

Motives and General Information on Female Perpetrators

In 2002 about 100,000 Rwandan people were awaiting trial for their involvement in the genocide and about 3,000 of the accused were female (Itano, 2002, 1). The number of accused reveals that what occurred in Rwanda was very different from previous genocides. Mamdani (2001, 5) explains:

Unlike the Nazi Holocaust, the Rwandan genocide was not carried out from a distance...But the truth is that everybody participated, at least all men. And not only

men, women too: cheering their men, participating in auxiliary roles, like the second line in a street-to-street battle.

Of the women accused, most have stories similar to that of a woman named Emma Mujawamaria who was accused of leading Hutu thugs to a hospital and helping them locate her co-workers in order to kill them. Most women accused of genocide are similar to Mujawamaria in that they “are young women with children, accused of taking part in the mobs that rounded up and killed ...Tutsis” (Itano, 2002, 1). Many of the crimes committed by women fall under the law that, “if a person could escape without you, you are responsible for their killing” (Klass de Jonge, quoted by Itano, 2002, 2). However, in one case, Tutsi women left their children under the protection of Hutu mothers who then turned the children over to the Interahamwe (Sharlach, 1999, 392). In addition to aiding murderers, women also looted dead bodies after massacres, were prominent as spies (especially prostitutes), and pressured younger Tutsi women to “accept their designated fate as sex slaves and concubines for Hutu militia members and other men” (Jones, 84). Women participated on many levels in the Rwanda genocide and committed atrocities against their neighbors, similar to those of their male counterparts.

While the violence against women in Rwanda was related to gender in addition to ethnicity, violence perpetrated by women was also often gender specific and related to sexual aspects of the victim. Hutu genocide perpetrators wanted to eradicate the “elite” Tutsi population, and female Hutu génocidaires were particularly interested in lowering the status of the Tutsi females, “who had for so long been depicted in Hutu propaganda as Rwanda’s sexual elite” (Jones, 2002, 84). Jones explains that it is not clear whether the majority of female-committed atrocities were against Tutsi women; however, Hutu women expressed “a kind of gendered jubilation at the ‘comeuppance’ of Tutsi females” (Jones, 2002, 84). Female perpetrators and observers felt the Tutsi victims were receiving just retribution based on their role as “sexual elite.” Hutu women were incited through propaganda to believe the Tutsi women were luring their men or unduly praised

for their beauty and sexual prowess, and attacks against them were part of protecting their ethnic group against the sexual charms of the Tutsi women. Although most of the female killers were Hutu, some Tutsi women also fought in the resistance against the Hutu.

Many Tutsi women were also complicit in the genocide because they were married to Hutu men and had loyalty to the Hutu ethnic group rather than their own (Sharlach, 1999, 392). Therefore, there are ethnic as well as gender-specific motives behind the actions of female perpetrators.

Stories of Female Perpetrators

Agathe Habyarimana

Agathe Habyarimana was also a perpetrator of the Rwanda genocide, yet her background and participation in the genocide differs greatly from the women previously described in this study. Known as “Madame Agathe,” Habyarimana is the wife of the deceased president of Rwanda. She was part of the “power behind the throne” in Rwanda known as the *akazu* or “little house”, which was made up of Agathe, her three brothers, several colonels, leaders of the business mafia, and Pauline Nyiramasuhuko, the former Rwandan Minister of Family and Women’s Affairs (Nzongola-Ntalaja, 2005, 18). This group of political elite strongly advocated Hutu power and plotted the Rwandan genocide. The group, including Agathe Habyarimana and Pauline Nyiramasuhuko, encouraged the massacre of the Tutsi people, including women and girls (Sharlach, 1999, 387). According to Gourevitch, Madame Agathe, who was better connected and of more significant lineage than her husband, is linked to Habyarimana’s murder when his plane was shot down (Gourevitch, 1998, 77-78). An example of her power and reputation is that Agathe was called Kanjogera “after the wicked queen mother of Mwami Musinga, the Lady Macbeth of Rwandan legend” (Gourevitch, 1998, 80). Although she played an integral part in the genocide, Agathe Habyarimana was not in Rwanda to witness most of the violence. When the “wholesale extermination of Tutsis” began, she was taken to France and hosted by the president of Zaire, Mobutu Sese Seko, and the president of

Kenya, Daniel arap Moi, who were both corrupt and had been close to Madame Agathe's late husband (Gourevitch, 1998, 114 and 254). Agathe Habyarimana was not a woman who was complicit with the genocide; she was a woman who helped create it. Her story dispels the notion that women only act in conflict when they have no other choice (although there are Rwandan women who committed violence for self-preservation), because she chose to be in the middle of "Hutu power" and to help orchestrate mass murder.

Pauline Nyiramasuhuko

The most notorious and perhaps the most deplorable female perpetrator is Pauline Nyiramasuhuko, the former Rwandan Minister of Family and Women's Affairs. She was a member of Agathe Habyarimana's *akazu* ("little house") and the beneficiary of Agathe Habyarimana's assistance in becoming national inspector of the ministry at only 22 years old (Landesman, 2002). She not only "personally supervised the selection of hundreds of Tutsi men for the slaughterhouse," but also encouraged her son and other subordinates to rape Tutsi women (Jones, 83; Sharlach, 2002, 118). Nyiramasuhuko provides an important case study because she represents the gender-directed violence committed by many other female génocidaires. Her story shows the dehumanization of Tutsi women during the conflict, specifically the sexually-based attacks on their reproductive capability and their ability to reproduce their ethnic group.

Although Nyiramasuhuko graduated from the school of social studies of Karubanda (Butare, Southern Rwanda) and obtained a law degree in 1991, she has been described by her own lawyer (Nicole Bergevin) as "an intellectually weak woman who only managed to go up the political ladder courtesy of her friendship to the president's family" (Reuters, 1-2). She grew up in a small farming commune and was considered a local success story after becoming the Rwandan Minister of Family and Women's Affairs (Landesman, 2002). Before attaining her law degree, which she is accused of acquiring in order to fulfill the requirements of an appointed minister, she was a social worker for 20 years.

As a social worker she offered “lectures on female empowerment and instructed on child care and AIDS prevention,” in the Rwanda countryside (Landesman, 2002; Reuters, 2). While it is unclear whether Nyiramasuhuko rose to power legitimately, what is clear is that she used her power and influence in an unthinkable horrific manner.

Pauline Nyiramasuhuko’s story is shocking because she is a female genocide perpetrator, a new kind of criminal outside of the accepted concepts of women, but also because of what could be described as her tendency towards split personalities. She is part Tutsi, yet incited crimes against Tutsi people; she was appointed Minister of Family and Women’s Affairs to protect and empower women, but then encouraged the rape of those she was supposed to protect (Landesman, 2002). According to her mother, Pauline Nyiramasuhuko’s great-grandfather was a Tutsi who was re-designated Hutu when he became poor. In Rwanda, kinship is passed patrilineally (through the blood of fathers), meaning that Nyiramasuhuko is part Tutsi (Landesman, 2002). Her mother, Theresa, explained to Landesman that Nyiramasuhuko was fully aware of her Tutsi roots and she claimed that her daughter killed out of fear (Landesman, 2002). Whether fear was a factor in her decision is not clear, but her racism is evident. The source of Nyiramasuhuko’s racism against Tutsis is difficult to understand considering her lineage. One of her friends claims that it came about only as a career move to please high-ups; however, her sister claims that her racism was ardent and that she loathed working with Tutsi in the ministry before the genocide (Landesman, 2002). Another viewpoint, theorized by Robert Jay Lifton, asserts that Nyiramasuhuko’s racism and genocidal acts were an attempt to eliminate the Tutsi in her; she was trying to destroy the defiled part of herself (Landesman, 2002). Whatever the roots of her racism, it is shocking that someone would order the deaths of people based on the fact that they belonged to an ethnic group that was also part of her own lineage.

Pauline Nyiramasuhuko can also be understood as having a split personality because her job was to protect and empower women, yet she personally ordered gender-

based violence against them. Rather than empowering the women of Rwanda, in empowering herself, Nyiramasuhuko ordered the worst kinds of sexual torture to be committed against them. She has been described by witnesses as wearing military fatigues and carrying a machine gun as she ordered acts of genocide (Landesman, 2002).

Landesman (2002) explains:

The crimes Pauline Nyiramasuhuko [is] accused of are monstrous. Her capacity for pity and compassion, and her professional duty to shield the powerless, deserted her, or collapsed under the irresistible urge for power.

Nyiramasuhuko as a woman, but especially as the Minister of Family and Women's Affairs, should have been expected to answer pleas of mercy by her victims, but as Landesman explains, these duties and compassions deserted her. Nyiramasuhuko's acts as a perpetrator of genocide show the relevance of the instrumentalist theory (see scholar Paul Brass) of ethnic conflict study. Describing her actions as an outgrowth of primordial (see scholar Anthony D. Smith) feelings or desires could not accurately describe how a part Tutsi women could incite violence against Tutsi women, in effect her own group.

Nyiramasuhuko ordered atrocities that are difficult to imagine one human being could wish upon another. She organized the Butare Interahamwe during which she encouraged men to rape women before killing them. Witnesses heard Nyiramasuhuko on Radio Rwanda call upon Hutus to hunt down the Rwandan Patriotic Front and help her get rid of the Tutsi "cockroaches" (Landesman, 2002). Referring to the Tutsi women in this way was part of dehumanizing her victims, which is common to the attitudes of all genocide perpetrators who focus on the "otherness" of their victims in order to justify their actions. Her attitude on the day of the Butare massacre reflected this dehumanization because during the massacre she called Tutsi women "cockroaches" and "dirt." Nyiramasuhuko also:

...advised the men to choose the young women for sex and kill off the old. By one account, women were forced to raise their shirts to separate the mothers from

the “virgins.” Sometimes...Pauline handed soldiers packets of condoms.
(Landesman, 2002)

According to one of the soldiers under her command, she ordered her men to burn the women, but encouraged them to rape the women first. The confessed perpetrator explained that, on one occasion, the soldiers were tired from killing all day, so they did not rape the women but only scattered gasoline among the 70 women and girls and burned them (Landesman, 2002). Not only did Nyiramasuhuko’s orders of rape and murder affect those immediately within her path, but ICTR prosecutors and witnesses have also explained that her orders triggered collective sadism and violence among the peasants in Butare (Landesman, 2002). Women became victims of her inhumanity from a distance as their neighbors took them in as sex slaves to be tortured nightly (Landesman, 2002). According to Landesman, Pauline Nyiramasuhuko did possess a trace of humanity, but it was only showered on her son Shalom, “whom she helped turn into a rapist and a killer.” Shalom had “permission” from his mother to rape and kill, which further illustrates the premeditation of Nyiramasuhuko’s actions against women.

Catholic Nuns

While stories of most of Rwanda’s female perpetrators remain untold, as with the majority of perpetrators, the shocking story of two Catholic nuns came to public attention largely due to the fact that they were tried and sentenced in Belgium. To preface their story, it is important to recognize that the Roman Catholic Church has played an important role in Rwanda since colonization. Gourevitch explains the church helped Belgium rule Rwanda and participated in “re-engineering Rwandan society along so-called ethnic lines” (1998, 56). In the past Catholic schools in Rwanda practiced open discrimination in favor of Tutsis, but during the 1994 genocide important actors in the church were aligned with “Hutu power” (Gourevitch, 1998, 57). The former Archbishop of Kigali, Monsignor Vincent Nsengiyumva, was open about his friendship with President Habyarimana (who was at the center of Hutu power). Although other bishops

disagreed with Nsengiyumva, they did not speak up for fear they would be considered heretics (Gourevitch, 1998, 140). In the 1994 Rwanda genocide, Roman Catholic churches served as refuges; however, the places of refuge became places of death for some Rwandan people, including the refugees who were turned over to killers by Sister Maria Kisito and Sister Gertrude Mukangango.

In 2001 Sister Maria Kisito and Sister Gertrude Mukangango were sentenced to 12 years and 16 years in prison, respectively, for their roles in aiding the slaughter of about 7,000 refugees during the Rwanda genocide. The refugees sought protection at the nuns' convent in southern Rwanda; rather than assisting them, the nuns called in Hutu militiamen who drove the refugees out of the convent and killed them. The nuns were aware the people would be killed upon leaving the convent and even provided gasoline that the militiamen used to light a garage (occupied by 500 Tutsi) on fire (Richburg, 2001). According to testimony before the jury, the nuns "enthusiastically embraced genocide," (Richburg, 2001; BBC, 2001).¹⁰ These cases of female génocidaires who were astonishingly also nuns, took place on the world stage. The response from the Vatican reiterated Pope John Paul II's message in 1996, explaining that the church as a whole is not responsible for the bloodshed and that these actions went against the law of the gospel (Catholic World News, 2001). Regardless of the responsibility taken by the Catholic Church, the nuns themselves have been held responsible for their actions, which undoubtedly refute notions that women always act peacefully. These actions of these women reveal that even female religious figures have participated in acts of genocide.

Other Female Perpetrators

Drawing on a report published by African Rights in 1995 (*Rwanda-Not So Innocent: When Women Become Killers*) Adam Jones provides short profiles of several female perpetrators in his article for the *Journal of Genocide Research* in 2002. Rwandan

¹⁰ This case represents the first time that any Rwandan has been tried before a jury for mass slaughter (Richburg, 2001; BBC, 2001).

female génocidaires he profiles include: Rose Karushara, Odette Nyirabagenzi, Athanasie Mukabatana, and Sister Julienne Kizito. Rose Karaushara was a councilor in Kigali who played an active role in the genocide, including beating up refugees before she handed them over to Interahamwe “for the final kill.” Under her orders, at least five thousand people were killed and thrown into the Nyabarongo River (Jones, 2002, 83). Odette Nyirabagenzi is known as the “terror of Rugene” (a section of Kigali, Rwanda). She participated in the genocide by sending militia to hunt Tutsi men at two churches and a language center in Rugene. She was active in selecting the men who were to be killed and she was physically present when the men were taken out of the churches and language center (Jones, 2002, 83). Athanasie Mukabatana was a teacher at a nursing school who went to a hospital with other perpetrators and ordered sick Tutsi people outside where they were then killed by machete and left dead on the grass outside the hospital. Not only did she drag sick people out of a hospital herself, but she killed people with a machete as well. She is described as having enthusiasm for “finishing off these sick Tutsis” (Jones, 2002, 83). Another female perpetrator worth brief mention is Euphrase Kamatamu, an administrative counselor for the district of Mohima. She collected guns and distributed them “to anyone willing to help in the planned extermination of Rwanda’s Tutsi population” (Santoro, 1997, 1). She has also been accused of urging her bodyguards to kill. Euphrasie, her husband, and her bodyguards were tried in Rwanda’s court in Kigali (Santoro, 1997, 1). Unlike many of the female perpetrators, these women have been accused of playing very active roles in the deaths of many people.

Conclusion

This project aims to increase awareness of the many roles women played in the genocide in Rwanda, as well as the roles they are playing in rebuilding their country. This section on female perpetrators reveals that the expectation that women are naturally (and only) peacemakers can no longer be held true. While it is true that Pauline

Nyiramasuhuko's actions are not representative of the involvement of most Rwandan women in the genocide, her story should not be considered an anomaly. As shown by the cases and information in this section, many other women perpetrated and incited violence. When comparing the Rwanda genocide to the Nazi Holocaust, Mamdani provides an image of women as secondary killers. While many women only took on supportive roles in the genocide, women also murdered with their own hands. While much can be extrapolated from this information on women as perpetrators, it is important to reflect on the participation of women as a result of the necessity of involving such a great portion of Rwanda's population due to the manner of killing, but also to understand the agency of Rwanda's women and that people of both genders are susceptible to the instrumentalization of ethnicity to incite violence.

CHAPTER 6

RAPE AS GENOCIDE: THE ACHIEVEMENTS OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Introduction

To have a complete picture of the position of women in the wake of the Rwanda genocide it is important to examine the work of the International Criminal Tribunal for Rwanda (ICTR). Six months after the Rwanda genocide began in 1994, the United Nations took its first concrete action by creating the ICTR in Arusha, Tanzania. The ICTR is an ad hoc version of the International Criminal Court in The Hague and was created specifically to deal with crimes committed during the Rwanda genocide as the ICTY (International Criminal Tribunal for the former Yugoslavia) was created to deal with the ethnic cleansing in the former Yugoslavia. The tribunal has the power to prosecute crimes of genocide, crimes against humanity, and violations of Article 3 common to the Geneva Conventions (1949 and 1977), that took place in Rwanda between January 1, 1994, and December 31, 1994. Most of its prosecutions have involved accusations of genocide (Neuffer, 2002, 130-131, ICTR Statute of the Tribunal). The ICTR was created to fill the justice void left in Rwanda when only 244 of the country's 750 judges survived the genocide, and those who survived ran a partisan and corrupt system (Neuffer, 2002, 257). In the aftermath of the genocide, the international community feared that there would only be "victor's justice" in which Hutu were unfairly judged by Tutsi, or no justice at all because the Hutu would not punish one another. Therefore, the ICTR was created to provide a forum for justice in a country that lacked an effective justice system after the 1994 genocide.

In addition to the ICTR's contribution to justice and reconciliation in Rwanda generally, the actions of the ICTR have also been beneficial to the empowerment of women in Rwanda and the recognition of rape as genocide. The International Criminal Tribunal for Rwanda has been groundbreaking in its prosecution of rape as a tool of

genocide and the attention it has paid to sexual violence that took place during the Rwandan conflict. The ICTR (along with the ICTY [International Criminal Tribunal for the former Yugoslavia]) has “surmounted reluctance and other obstacles to address these crimes [rape and sexual violence] despite their sexually graphic nature and traditional insensitivities to women’s rights and needs” (Askin, 1999, 99). International women’s groups have seen great promise in the ICTR for dealing with crimes against women, and the ICTR has been revolutionary in its prosecution of sexual violence crimes related to genocide.

The ICTR was created out of the United Nations’ concern about the violations of international humanitarian law in Rwanda and its conviction that the prosecution of violations of international law will “contribute to the process of national reconciliation and to the restoration and maintenance of peace” (ICTR Statute of the Tribunal). An important part of restoring peace and bringing about reconciliation in Rwanda is adequately dealing with the crimes committed against women. The ICTR has been groundbreaking in its prosecution of sexual violence crimes, as will be discussed later, with the case against *Jean-Paul Akayesu*. Its effectiveness in this area is partly a result of clear statements regarding rape as a crime in the Statute of the ICTR. The Statute of the tribunal clarifies acts of sexual violence as acts of genocide and crimes against humanity. Article 2: Part 2: states that “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:...d) imposing measures intended to prevent births within the group” (ICTR Statute of the Tribunal).¹¹ Article 3 of the Statute describes crimes against humanity and

¹¹ “Article 2: Genocide: 1. The International Tribunal for Rwanda shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this article or committing any of the other acts enumerated in paragraph 3 of this article. 2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: a) killing members of the group b) causing serious bodily or mental harm to members of the group c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part d) imposing measures intended to prevent births within the group e) forcibly transferring children of the group to another group” (ICTR Statute of the Tribunal).

includes rape among these crimes.¹² These articles of the Statute clearly explain that crimes of sexual violence with the intent to destroy a group, in whole or in part, are worthy of the same attention, prosecution, and punishment that other crimes of genocide and crimes against humanity have been given through international justice.

The ICTR understands acts of genocide as acts committed with the specific intent to destroy an ethnic, racial, national, or religious group in whole or in part, acts in which the victim is chosen based on membership in a group rather than individual identity (ICTR, *Jean-Paul Akayesu* Summary of Judgment). In the case of Rwanda, rape was used as a tool of genocide, a method for destroying the Tutsi people. Sharlach (2000, 90) explains the reasons that the recognition of rape as a form of genocide is important:

First, only within the last decade have many begun to treat rape as a human rights violation, and courts have the power to help to shape public opinion on this matter...Second, an awareness of the extent to which sexual violence is used as genocide may alert those who work with female survivors to listen for clues that a woman or girl has been sexually violated and provide treatment accordingly. Third, an analysis of genocide that ignores the sexual forms that affect women and girls also ignores the full extent of the humiliation of the ethnic group through the rape of its women, the symbols of honor and vessels of culture.

Rape and other forms of sexual violence have been part of conflict as long as conflict has existed; however, the position of women as victims of sexual violence has traditionally been marginalized. As Sharlach explains, recognizing rape as a form of genocide is important for several reasons, and the work of the ICTR, specifically through the case of *Prosecutor v. Jean-Paul Akayesu* as will be shown below, has been influential in bringing sexual violence during conflict into the forefront, a recent phenomenon.

The tribunal's attention to gender-based crimes has not only been the result of the diligence of the ICTR itself, but is largely due to the concern and lobbying by international women's groups. The Coalition for Women's Human Rights in Conflict

¹² "Article 3: Crimes against Humanity: The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial, or religious grounds: a) murder b) extermination c) enslavement d) deportation e) imprisonment f) torture g) rape h) persecutions on political, racial and religious grounds i) other inhumane acts" (ICTR Statute of the Tribunal).

Situations, a conglomerate of women's rights NGOs, has particularly contributed to the effort. The position of the coalition is that the laws protecting women against sexual violence (rape in war) have been in place since the 1948 Genocide Convention, the 1948 Torture Convention, and the 1949 Geneva Conventions, and the ICTR should not view the rapes that took place in Rwanda as commonplace or private crimes, but prosecute them as seriously as other crimes of genocide and crimes against humanity (Coalition... "Rwanda: Akayesu Sentencing...", 1998). The coalition has helped achieve recognition of crimes against women through lobbying, writing letters to then Prosecutor Carla Del Ponte, Justice Louise Arbor, and U.N. Secretary General Kofi Annan, and filing an amicus curiae brief on the *Jean-Paul Akayesu* case.

When evaluating the breakthroughs and deficiencies of the ICTR with regard to gender-based/sexual violence, the make up of the court is an important consideration. While women have traditionally had minimized roles and status in international law, women are participating in the highest levels in the ICTR (and the ICTY) (Askin, 1999, 98). However, women were not prevalent in the system at first. In the first round of judge nomination and election, only one judge in the ICTR and ICTY together was female. In response to this, the Coalition for Women's Human Rights in Conflict Situations took action to promote the election of more female judges; following their action, eight women were elected as temporary judges for the ICTY (Rights and Democracy, 2005). Today (2006) five of the sixteen judges in the current ICTR are female.¹³ In addition to this significant level of participation of women, four of the nine ad litem judges are female, and all of the female judges have significant justice experience (ICTR webpage). A strong female presence in the ICTR has been positive for the roles of women in international justice.

¹³ Female Judges: Arlette Ramaroson, (Madagascar), Florence Ndepele Mwachanda Mumba (Zambia), Andresia Vaz (Senegal), Inés Mónica Weinberg de Roca (Argentina), and Khalida Rachid Khan (Pakistan) (ICTR webpage).

Main Cases

Jean-Paul Akayesu

The case against *Jean-Paul Akayesu*, former bourgmestre (mayor) of the Taba commune, was ground breaking with regard to providing justice for victims of sexual violence during the Rwanda conflict, and, it was also an important step for justice for women internationally. As the bourgmestre of Taba, Akayesu had extensive powers within his commune. He used this power to perpetrate genocide and crimes against humanity against the Tutsi people (ICTR, *Jean-Paul Akayesu* Summary of Judgment). Although Akayesu was reluctant to be involved in the killing at first, in mid-April of 1994 he realized that his political survival was dependent on joining the genocide and cooperating with the Interahamwe to kill the Tutsi (Neuffer, 2002, 116, 120). In the Bureau Communale of Taba “Jean-Paul Akayesu...stopped defending Tutsi villagers and encouraged the Interahamwe militia to kill, beat, and rape them instead” (Neuffer, 2002, 262). Akayesu ordered rape against Tutsi women as part of the genocide. Perhaps the most incriminating testimony against him came from a Rwanda woman who explained to the ICTR that, in a conversation with the Interahamwe after they finished raping her and other women, Akayesu told the men, “Never ask me again what a Tutsi woman tastes like...tomorrow they will all be killed” (Neuffer, 2002, 271). The inclusion of rape charges and *Akayesu*’s judgment, including rape as a crime of genocide, have been great accomplishments of the ICTR in bringing justice to the victims of sexual violence during the Rwanda genocide.

In February 1996 the ICTR charged Jean-Paul Akayesu with 13 counts of genocide, crimes against humanity, and violations of Article 3 common to the Geneva Conventions, to which he pleaded not guilty. In June 1997 the indictment was amended as a result of witness testimony to include new counts related to rape and sexual violence (ICTR, *Jean-Paul Akayesu* Summary of Judgment). The inclusion of rape and sexual violence charges was the result of lobbying by women’s and human rights NGOs. As result of an amicus

brief on the subject, “the prosecutor amended the indictment to include charges of rape and inhumane treatment,” and recognized rape as a crime against humanity (Graybill, 2001, 269). The amicus brief put forward by the Coalition for Women’s Human Rights in Conflict Situations called for the inclusion of charges of rape of the women of Taba, mutilation of women’s sexual organs, and parading women naked in the streets (Coalition... “Amicus Brief...”, 12). The amicus brief referred to evidence already given in the case revealing crimes of rape and sexual violence; the prosecutor also included in his opening statement that the rape of women and girls was part of the genocide against the Tutsi population (Coalition... “Amicus Brief...”, 6). Some of the crimes Akayesu committed include ordering, aiding, and abetting the planning and execution of killings which took place after Akayesu witnessed systematic rape and acts of sexual violence against women (ICTR, *Jean-Paul Akayesu* Summary of Judgment). Considering the overall position of women in post-conflict Rwanda, it is important to recognize that the work of women’s NGOs was crucial in bringing about acknowledgement of Akayesu’s responsibility for crimes of rape and sexual violence.

Jean-Paul Akayesu defended himself against these charges by explaining that the responsibility for the genocide in Taba belonged to the Interahamwe and he did not have the power to stop the massacres. In his case he admitted that massacres of the Tutsi took place in Taba, but claimed that he did not commit or facilitate them. He placed total responsibility on the Interahamwe and explained that he could not be expected to give his life as a hero in a futile attempt to stop the massacres. Most importantly for this study, he claimed that he never knew about the rape that took place in Taba (ICTR, *Jean-Paul Akayesu* Summary of Judgment).

Akayesu’s defense reveals displacement of blame onto the Interahamwe, as well as denial of the sexual violence that took place against the Tutsi women of his commune. His defense reveals the important role of the ICTR in bringing the genocide architects to justice and recognizing the crimes committed specifically against women. In Rwanda

rape victims bear a great deal of shame because of the acts committed against them; therefore, the work of the ICTR in illuminating these crimes of sexual violence as planned acts of genocide is an important part of bringing about justice.

Despite his defense and denial of responsibility, on September 2, 1998, Akayesu was found guilty of nine out of the fifteen counts brought against him. The guilty counts include: genocide, crimes against humanity (extermination, murder, torture, rape, and other inhumane acts), and direct and public incitement to commit genocide (ICTR, *Jean-Paul Akayesu* Summary of Judgment). Akayesu was given three life sentences, plus 80 years of imprisonment, which began at a U.N.-sponsored prison in Mali (Landesman, 2002). This case was important in bringing justice for Akayesu's victims from the Taba commune, as well as bringing justice, in general, for female victims of the genocide. The Akayesu case helped cement rape as a crime of genocide, but also reveals the persistence and influence of women's NGOs. The Coalition for Women's Human Rights in Conflict situations, in particular, helped bring about justice for women and publicize the particular challenges faced by the women of Rwanda. This judgment also created what is known as the "Akayesu effect," which refers to the fact that the ICTR has been more diligent in its prosecution of sexual violence crimes since the sentencing of Akayesu.

Pauline Nyiramasuhuko

The case against *Pauline Nyiramasuhuko*, the former Rwandan Minister of Family and Women's Affairs, is currently underway in the ICTR. This case represents another opportunity for the tribunal to take a stand against sexual violence and rape as genocide (see Perpetrators section for details on Nyiramasuhuko's background and participation in the genocide). Nyiramasuhuko, along with her son, Shalom Arsene Ntahobali, is charged with genocide, complicity in genocide, crimes against humanity, and serious violations of Common Article 3 (crimes part of a systematic attack, such as murder and rape) and Protocol II (which are common to the Geneva Conventions) (Askin, 1999, 122 and ICTR website). Nyiramasuhuko and her son are charged with establishing and controlling a

roadblock in Butare where they identified, kidnapped, and killed Tutsi. They are also accused of forcing women to publicly undress. Women were subsequently raped by her son, Shalom, as part of systematic rape of Tutsi women (Askin, 1999, 122).

Nyiramasuhuko, who faces eleven charges, is the first woman who has been charged by an international court and the first woman to be charged with crimes against humanity (Landesman, 2002). This case is not only important because it recognizes the crimes committed against Rwanda women during the genocide, but is groundbreaking as a case in which charges of sexual violence have been brought against a woman.

Nyiramasuhuko and her son, Shalom, have pleaded *not guilty* to the charges against them (Reuters, AlertNet, 2-3). Even though the trial has only a few spectators and some days none at all, the case is as important to the future of international law as the case against Jean-Paul Akayesu (Landesman, 2002). While Akayesu was the first to be convicted of rape as a form of genocide, Nyiramasuhuko will be the first woman to be held accountable for crimes of sexual violence before an international court. Her case before the ICTR reveals to the world that women are capable of serious violence, even of such a physically and emotionally scarring nature as the sexual violence she incited her son to commit against Tutsi women. Nyiramasuhuko was indicted in 2001 and her trial before the ICTR began on June 12, 2001. As of May 8, 2006, her trial was on its 370th day, a long trial similar to the other cases heard by the ICTR (ICTR Webpage). It is unclear how much longer the trial will last and what the judgment will be; however, if Nyiramasuhuko is found guilty, her case will reveal to the people of Rwanda and the international community the agency of women in committing crimes against humanity, as well as reveal the ICTR's ability to bring perpetrators of sexual violence to justice.

Achievements

The ICTR's greatest achievement in the empowerment of Rwandan women post-conflict has been its role in establishing rape as a form of genocide (if it is committed with the intent of preventing births within a group) and as a crime against humanity. The

inclusion of rape as genocide and a crime against humanity in the ICTR statute resulted in the first conviction of rape as genocide in the case of *Jean-Paul Akayesu*. This case revealed the prevalence of rape and sexual violence crimes during the Rwanda genocide to the international community and helped reveal the “intricate linkage of sexual violence to the [Rwanda] genocide” (Askin, 1999, 98). Askin (1999, 107) explains that the case is significant to the prosecution of gender-based crimes in international criminal law based on the following:

(1) the trial chamber recognized sexual violence as an integral part of the genocide in Rwanda, and found the accused guilty of genocide for crimes that included sexual violence; (2) the chamber recognized rape and other forms of sexual violence as independent crimes constituting crimes against humanity; and (3) the chamber enunciated a broad, progressive international definition of both rape and sexual violence.

In the *Akayesu* decision, the ICTR not only recognized that women were victims of particular crimes due to their sex, but that rape in this case was much more than bounty of war, it was a tool of genocide. Prosecutor Louise Arbour has pointed out that the case provided a detailed legal analysis that would be useful in future ICTR and ICTY cases, and that court was sensitive in dealing with the needs of victims who were often required to share the horrible indignities committed against them in a public setting (Askin, 1999, 110). The *Akayesu* case has been important in establishing rape as a war crime and it has also been a positive example of how cases dealing with sexual violence should be handled in an international court. During the *Akayesu* case, the tribunal paid attention to the special needs of witnesses; this should be an example for future cases in the ICTR, but also an example for the international legal community generally. After the *Akayesu* sentencing, the ICTR showed great promise in providing justice for victims of sexual violence during the Rwanda conflict; however, the ambitions of the court in this area have waned in recent years due to difficulties in gathering evidence, as well as the difficulty in prosecution of sexual crimes.

Trends in Sexual Violence Prosecutions

In order to understand the effectiveness of the ICTR in bringing justice to Rwanda's female victims of sexual violence, it is important to consider not only the cases of *Pauline Nyiramasuhuko* and *Jean-Paul Akayesu*, but overall trends in sexual violence prosecutions. As of 1999 the ICTR was weak in its consideration of gender-based violence in comparison to the ICTY (former Yugoslavia) (Askin, 1999, 99). As of 1998 only two of 35 cases brought before the ICTR were connected with or included charges of gender-based violence. This is in comparison to at least half of the public indictments in the ICTY (Askin, 1999, 99). The ICTR, in the first few years between 1995 and 1997, had few initial indictments that included charges of sexual violence; however, indictments (such as in the *Akayesu* case) were later amended to include these charges (Coalition.... "Analysis of Trends in Sexual Violence Prosecutions..." 4).

The overall trend in the ICTR has been an increase in sexual violence charges as a result of the "Akayesu effect," as well as the work of Prosecutor Louise Arbour's with women's NGOs on support and sensitization issues (around 1997-1998). After this time period there was a leveling off of sexual violence charges until about 2001 related to difficulties in gathering evidence and taking witness testimony. Between 2001 and 2002 there was a decline in the inclusion of sexual violence indictments (Coalition.... "Analysis of Trends in Sexual Violence Prosecutions..."). The Coalition for Women's Human Rights in Conflict Situations attributes this partly to the caution of then Chief Prosecutor Carla del Ponte in dealing with cases where evidence might not be guaranteed, as well as witness mistrust of the ICTR and inadequate support of witnesses.¹⁴ These

¹⁴ Coalition for Women's Human Rights in Conflict Situations- Although two prosecution witnesses in the case of *Prosecutor vs. Bagambiki* gave evidence of rape and other sexual violence committed by the defendant, these charges were not brought against the defendant. The Coalition filed an *amicus curiae* brief on the subject which the court refused to grant the leave to file, however, after receiving the brief charges of rape and sexual violence were brought. The outcome was positive, but the problems filing the brief and the precedent this case set with regards to 'friends of the court' filing

trends are important to consider. As Sharlach explains, “the lack of prosecution of rapists sends a signal to the men of Rwanda and to the men of the world,” which is that rape prosecution is not a serious threat or hindrance to the actions they desire in wartime (2000, 102). Including the gender dimension of the violence that took place in Rwanda is an important role of the ICTR in bringing genocide criminals to justice, because it was an important tool of war during the genocide.

Problems and Challenges

Some general criticisms of the ICTR are that those convicted cannot be sentenced to the death penalty and there have also been allegations of corruption and mismanagement in the tribunal (Neuffer, 2002, 256, 299).¹⁵ Another important criticism is that, while the tribunal showed great promise in dealing with gender-based crime in Rwanda, it has not fulfilled this promise. The *Jean-Paul Akayesu* and *Pauline Nyiramasuhuko* cases have been revolutionary in the conviction of rape as a form of genocide; however, Graybill explains that there are not expected to be a significant number of prosecutions of gender-based or sexual violence in the ICTR in total (2001, 272). While the will and capacity of the court in dealing with sexual violence are factors in this outlook, the lack of prosecution of such cases is also related to the fact that few survivors understand that rape is a prosecutable crime and witnesses are often “subject to hostile cross examinations” (Graybill, 2001, 272-273). The ICTR’s ineffectiveness in dealing with crimes of sexual violence and rape as genocide is also related to problems of witness support and protection, as well as weak investigations and the “general perception by investigators that rape cases are hard to prove in court” (Askin, 1999, 123; Jefferson, 2004, 7). Overall, the tribunal faces many obstacles and difficulties even when the desire

applications for consideration show how difficult it is for groups to influence the ICTR with regards to charges of sexual violence and rape (Rights and Democracy, 2005).

¹⁵ The ICTR has faced more serious problems than the ICTY for the former Yugoslavia (Neuffer, 2002, 299).

of the members is to prosecute and deal with genocide and crimes against humanity of a sexual nature.

Difficulty in Bringing Charges of Sexual Violence

One of the areas of greatest concern for women's rights NGOs is that the leadership of the ICTR has, at times, placed lesser importance on the prosecution of sexual violence crimes than the other crimes of genocide and crimes against humanity that the tribunal deals with. In a 2003 letter to Kofi Annan, the Coalition for Women's Human Rights in Conflict Situations expressed concern that the investigations and prosecution of sexual violence crimes faltered under the leadership of Prosecutor Carla Del Ponte. The Coalition was concerned that the ICTR was treating crimes against women (namely sexual violence crimes) as less important than those committed against men (Coalition...Letter to Kofi Annan, 2003, 1). The Coalition observed a notable reduction in the new indictments containing sexual violence after 2001 and was concerned that, although sexual violence was mentioned in the indictments or documented by NGOs in several key cases, charges of sexual violence were not adequately pursued (Coalition...Letter to Kofi Annan, 2003, 1).¹⁶ The case against Cyangugu was of particular concern because rape victims felt betrayed after they were interviewed about the sexual crimes committed against them, yet these crimes were disregarded by the tribunal (Coalition...Letter to Kofi Annan, 2003, 2). The overall concerns of the Coalition have been the tribunals

...lack of commitment to adequately developing the evidence...absence of an effective and long-term prosecution strategy...diminishing capacity of the investigations unit to seek sexual evidence... lack of informed consent by witnesses...denial of access to trauma counseling (Coalition...Letter to Kofi Annan, 2003, 2-3).

In 2003 the decision was made to appoint a separate prosecutor for the ICTR (Del Ponte had been the prosecutor for the both ICTR and the International Criminal Tribunal for the

¹⁶ As of the date of the letter (July 24, 2003) over half of the current indictments in the ICTR included charges of rape (Coalition...Letter to Kofi Annan, 2003, 1)

Former Yugoslavia-ICTY). This action by the United Nations was a victory for the Coalition for Women's Human Rights in Conflict Situations and ideally (in the view of women's rights activist) shows the U.N.'s recognition that the prosecutor for the ICTR should take crimes against women as seriously as other genocide crimes (Coalition... "Applauds UN Secretary General, 2003, 1). However, Del Ponte's removal is more closely linked to political pressure from the Rwandan government. She believes she was removed because Rwanda's President, Paul Kagame, objected to her investigations of possible atrocities committed by members of the Rwandan Patriotic Front (RPF), Kagame's political organization (Edwards, no page, 2003). Therefore, although the Coalition's goal was realized and Del Ponte was removed, the lack of indictments for sexual crimes in the ICTR under her leadership was not a causal factor. The current prosecutor for the ICTR is Hassan Bubacar Jallow from the Gambia (ICTR website).

There are many factors related to the disappointing trends in sexual violence prosecutions in the ICTR, one of which is the lack of trust between witnesses and the ICTR due to negative experiences during investigations. In a report prepared for the Coalition for Women's Human Rights in Conflict Situations, Connie Walsh described the investigation of sexual crimes by the ICTR as inconsistent and unprofessional based on her investigations in Rwanda in June and July of 1997. She found that female witnesses were summoned by local government officials to testify (negating their ability to voluntarily participate and potentially putting them at risk), that interviewing techniques by the ICTR did not inspire confidence the women would be protected against retaliation, and that the tribunal did not provide enough psychological help for women testifying about traumatic crimes of sexual violence (Walsh, no date, 4). The "ICTR is largely inaccessible to the women's community, as well as uninviting" (Walsh, no date, 5). Rwandan women have been reluctant to share with ICTR staff due to the lack of follow-up, difficulty in contacting the staff, and translation problems (Walsh, (no date), 5). Walsh suggests that establishing relationships with female survivors and survivors'

associations is key in order to adequately investigate crimes of sexual violence, and the connections should be developed with sensitivity and the ICTR should provide follow-through and support for witnesses at all stages. Walsh's investigation and recommendations reveal that supporting and encouraging female victims of sexual violence to participate in ICTR proceedings has been difficult; however, taking the needs of the witnesses into account is an important way to improve the effectiveness of the ICTR in bringing justice to the women of Rwanda and the country as a whole.

Social Stigma

One of the most difficult challenges faced by the ICTR in prosecuting crimes of sexual violence is the social stigma attached to rape and the shame felt by the victims. Many victims were raped repeatedly by soldiers or militia as a form of torture. While the rape victims had no part in the violence committed against their bodies and spirits, the women and girls who experienced sexual violence have been held accountable. They have been shamed and seen as unclean in the eyes of their communities (Turshen and Twagiramariya, 1998, 106). The victims are often too afraid or embarrassed to tell their rape stories, or they believe that reporting rape will do them little good (Turshen and Twagiramariya, 1998, 105-106). The stigma attached to rape in Rwanda has led to the ostracism of rape witnesses from their communities, as well as abandonment or divorce by their husbands (Jefferson, 2004, 8). One consequence of rape for the women of Rwanda has been infection with HIV/AIDS, which affects the women in even more negative ways (Jefferson, 2004, 8). Some women are also not yet free of their torture because they have stayed with their rapist, or "husband" who abducted them, for fear of returning home and being rejected by their families (Jefferson, 2004, 8). The social stigma and horrific consequences of rape for the victims has caused serious problems in the prosecution of sexual violence crimes in the ICTR. Many rape victims, probably most, are afraid or unable to share with ICTR investigators or are unwilling to testify due

to the fate that awaits them if their identity, and therefore shame, is revealed to their community.

Witness Protection

Closely related to the issue of social stigma associated with rape is the problem of witness protection faced by the ICTR. The ICTR suffers from witness protection on two levels: the general protection of witnesses so they can testify and the specific protection of female witnesses who testify about the sexual violence committed against them. In 1996 alone, approximately 200 witnesses in Rwanda were killed before they could testify against genocide criminals (Zarembo, 1997, 1). Although this number probably reflects many witnesses who were set to testify in courts other than the ICTR, it still reveals that testifying against genocide criminals has been life threatening to many Rwandans. Many women have received death threats warning them not to testify before the ICTR; in 1997, a Hutu woman was killed, along with four of her seven children and her husband, after she testified in the *Akayesu* case (Walsh, no date, 1).

With regard to female witnesses specifically, the ICTR, as well as the ICTY in the former Yugoslavia, has suffered from a lack of testimony due to fears of retaliation and social stigma (Jefferson, 2004, 7). Although witnesses are given pseudonyms to protect their identities, potential witnesses fear that their identities will be revealed and their families will suffer because of their testimony. Jefferson (2004, 7) explains:

Female rape victims who have testified before the ICTR in Arusha have reported returning home to Rwanda to find that their testimony, including details of their rapes, is known by people in their home areas. Other rape survivors who have testified before the ICTR returned home to face anonymous threats and other harassment as a result of their testimonies on rape.

A specific case of the social stigma associated with testifying occurred when one woman returned home to the nickname “Mrs. Arusha” and was subsequently asked to leave her home by her landlord (Walsh, no date, 2). When the danger to female witnesses surfaced, some Rwandan NGOs threatened to discourage women from testifying in the

ICTR and to boycott the ICTR altogether if witness protection and privacy of identity were not improved (Jefferson, 2004, 7).

It is unreasonable for the ICTR system to expect women who have already lived through horrific physical, mental, and emotional abuse to risk their reputations, lives, or the lives of their families when adequate witness protection and privacy measures are not in place. Eva Gazurek and Anne Saris from the Coalition for Women's Human Rights in Conflict Situations suggest pre, during, and post trial witness protection along with the assurance of anonymity. The paper also provides detailed suggestions on interviewing techniques to establish trust with female witnesses in addition to special procedures for women, including child-friendly measures and psychological support for witnesses (Coalition... "The Protection of Women..."). The female witness, as well as the ICTR, could benefit from these witness protection measures. Recognizing the unique problems faced by female witnesses will improve relations with Rwandan people and also help ensure justice through the ICTR.

HIV/AIDS Dimension

The last major problem faced by the ICTR with regard to investigation and conviction of crimes of sexual violence is related to the shocking number of victims who contracted HIV/AIDS as a result of the crimes committed against them. Many women and girls contracted HIV/AIDS as a result of rape during the genocide, which was often committed without the use of protection/condoms by the rapists (Ngendahayo and Moledina, 2000, 2). Women and children were particularly susceptible to sexual violence; therefore, the possibility of contraction of HIV/AIDS or other STDs was increased. Female refugees have been particularly vulnerable (Ngendahayo and Moledina, 2000, 2). Many potential ICTR witnesses have HIV; many victims have died before they could give evidence, or became too weak due to the virus to participate in the justice process (Ngendahayo and Moledina, 2000, 3). Women who are physically or emotionally unwell because they have the HIV/AIDS virus are unable to testify before the ICTR. There is not an easy solution

to the problem of witnesses being too ill to testify or dying before testimony can be given; however, recognition of the role that contraction of the virus is playing in the effectiveness of the ICTR is important. Understanding this dimension can help the tribunal understand what steps should be taken to incorporate the testimony of women.

Conclusion

In the aftermath of the 1994 genocide, thousands of Rwanda women have dealt with traditional post-conflict issues in their communities, as well as specific problems related to the sexual violence committed against them. The United Nations created the International Criminal Tribunal for Rwanda to help bring about justice and reconciliation for the people of Rwanda. The tribunal has been groundbreaking with regard to the attention it has paid to crimes of sexual violence during the genocide. The cases against *Jean-Paul Akayesu* and *Pauline Nyiramasuhuko* reveal the effectiveness of the tribunal in establishing rape as a form of genocide and bringing to light the atrocities committed against women specifically related to their sex. Although the trends in sexual violence prosecutions expose a decreased fervor in the tribunal's willingness to pursue the conviction of these crimes and the tribunal has faced difficulties protecting witnesses and encouraging testimony from female victims, the ICTR is capable of positively impacting the lives of Rwandan women in the future. As a result of work by the Coalition for Women's Human Rights in Conflict Situations, the ICTR has made improvements toward the empowerment of Rwanda's women. The tribunal should consider the Coalition's suggestions on how to improve witness protection by keeping female testimony in sexual violence cases anonymous and encouraging female testimony in the future by establishing trust between witnesses and interviewers and other members of the tribunal.

CHAPTER 7

“JUSTICE IN THE GRASS”: THE GACACA SYSTEM

Introduction

While the International Criminal Tribunal for Rwanda (ICTR) represents retributive justice, the gacaca system is a reflection of Rwandan cultural traditions and was created to bring reconciliation and restorative justice to post-genocide Rwanda (Tiemessen, 2004, 61). The retributive justice of the ICTR is important; however, restorative justice is necessary to repair the harm done in the genocide, heal the victims, and restore offenders to their communities (Tiemessen, 2004, 60). The gacaca system has roots in pre-colonial Rwanda and has traditionally been a community-based method for dealing with conflict. Prior to colonization Rwanda did not have a prison system; gacaca was a way to bring about justice. In the traditional gacaca system, criminals were brought before their community to be tried, expected to admit their actions and feel the shame of those actions in front of their neighbors to bring them back into right relationship with the community (ProFemmes). Gacaca or “justice in the grass,” was named for the grass clearings where the hearings are held. The gacaca form of justice has been a means for Rwandans to overcome their conflicts in the past; it is proving a useful method for reconciling Rwandans to one another in the wake of the genocide.

The Gacaca system (in its new form) was passed by the Rwanda National Assembly in October 2000 to handle the incredible number of cases (over 125,000) the ICTR and Rwandan government courts were unable to hear (Neuffer, 2002, 397; Itano, 2002, 1; Uvin, 117). An estimate in 2000 predicted that the gacaca courts could hear up to 200 cases a day, which is a much higher rate than the other courts have actually been able to handle (Neuffer, 2002, 398). Considering that in 2002 more of the accused were dying in prison than judged in courts, the gacaca system has provided Rwanda an opportunity for a system that is more socially, politically, and economically responsible than relying

solely on the ICTR and national courts (Uvin, 116). The gacaca system was also set up as a more appropriate system of justice. Elizabeth Neuffer (2002, 398) explains:

In a tiny country like Rwanda-where there are few secrets and where even the genocide was carried out in broad daylight- local hearings might more easily shed light on the truth of what happened during the genocide. A gacaca tribunal would draw all the witnesses from one place together at the same time.

For the government and people of Rwanda, gacaca represents a solution to the problem of trying the incredible number of accused perpetrators, along with an opportunity to foster long-term stability through reconciliation as criminals and survivors face, forgive, and move their communities forward through this system (Hunt, 2003). The overall aims of the gacaca system are to speed up the trials, thus emptying the prisons, and to “involve the community in establishing the truth, and through that, promoting reconciliation,” (Uvin, 118). As victims and other witnesses testify to the crimes committed, and as genocide criminals face their communities while admitting to their actions, forgiveness and reconciliation are taking place in Rwanda communities.

In addition to understanding the purpose and role of the gacaca system, it is also important to understand the way the system works in order to evaluate the position of women in gacaca and its usefulness for promoting women in Rwandan society. Below is a table explaining the categories of crimes under Rwandan Organic Law. While the ICTR and Rwandan courts can hear cases in all categories, the gacaca courts can only hear cases on crimes that fit within categories two through four because category one crimes are considered the most serious.

Table 1: Rwanda Organic Law: Categories of Crimes

Category	Description
1	<ul style="list-style-type: none"> a) person whose criminal acts or whose acts of criminal participation place them among the planners, organizers, instigators, supervisors and leaders of the crime of genocide or of a crime against humanity b) persons who acted in positions of authority at the national, prefectoral, communal, sector or cell level, or in a political party, the or fostered such crimes c) notorious murderers who by virtue of the zeal or excessive malice with which they committed atrocities, distinguished themselves in their areas of residence or where they passed d) persons who committed acts sexual torture
2	persons whose criminal acts or whose acts of criminal participation place them among perpetrators, conspirators or accomplices of intentional homicide or of serious assault against the person causing death
3	persons whose criminal acts or whose acts of criminal participation make them guilty of other serious assaults against the person
4	persons who committed offences against property

Source: Rwanda Organic Law <http://www.preventgenocide.org/law/domestic/rwanda.htm>

To encourage confessions in gacaca hearings, the government has offered to decrease the sentences by half for those who confess, which means that by the time the gacaca system was implemented, many of the accused had already served their sentence while awaiting trial (Itano, 2002, 1). This was and continues to be a troubling aspect of the gacaca system for many Rwandans. However, an understanding of crime category system under the Rwandan Organic Law created in 1996 clarifies that not all perpetrators are eligible for trial solely in the gacaca system. Although there is a pre-trial gacaca process for category one crimes, the gacaca courts can only pass judgment on category two through four crimes, which should ease the concerns of those who believe that the gacaca system is allowing the most heinous criminals their freedom unduly (Human Rights Watch, 2004; Tiemessen, 2004, 61). Punishment for crimes in categories two, three, and four does not include the death penalty; however, it should also be noted that the death penalty is not a possible punishment under the rulings of the ICTR as well (Tiemessen, 2004, 61). The gacaca system includes 11,000 courts in 106 districts. Almost 255,000 ordinary citizens were elected in October 2001 as judges based on “their

integrity, conduct, and non-involvement in the genocide” (ProFemmes, Uvin, 117). The gacaca system has been reinstated as a means of dealing with the incredible amount of cases in the Rwanda justice system, but also as a community-based method for reconciliation. Understanding the crimes it can hear and what types of people are running the system (ordinary citizens) reveals the desire for reconciliation among the Rwandan people, especially on the local level.

Problems and Concerns with the Gacaca System

The creation and implementation of the recently reinstated gacaca system has been favored by many prisoners, survivors, and Rwandan communities, and has been presented as a process that will give a “fuller picture of nature of the violence that occurred and the responsibilities of different people” (Uvin, 118, 120). However, members of the international community, as well as Rwandans themselves, have expressed concerns about the system. Concerns about gacaca are related to possible compromises on international principles of justice in human rights and criminal law, problems related to “victor’s justice,” and the consequences for victims living among confessed perpetrators (Uvin, 118). According to Hunt (2003), the group African Rights feared that gacaca could “end up a lame substitute for genocidal justice” if it means that terrified survivors “will have to live among confessed murderers, rapists, and thieves.” Itano echoes this problem as she recounts the story of a Rwandan woman, Florida Kampeta, who lost her husband and seven of her eight children in the genocide and fears the return of criminals who will be liberated through gacaca (Hunt, 2003).

Critics of the gacaca system in Rwanda, as well as the international community, have feared that the system is a form of “victor’s justice.” Tiemessen (2004, 58) argues that:

...the characterization of the Rwandan government as “Tutsi ethnocracy” and its heavy-handed approach to reconciliation has tainted Gacaca as a form of victor’s justice. If the Gacaca process is threatened by an approximation of the same

politicized ethnic identities that fuelled the violence then reconciliation will not be attainable.

ProFemmes has also found that there is suspicion among Rwandans about gacaca and its link to the self interest of certain groups. In its new form the gacaca system has been controversial since its inception. Rwandan Hutus fear the rights of the accused will be violated because there are few legal safeguards, no defense attorneys, and the judges have received little training. This fear among the Hutu community is evidenced by the estimated 5,000 people, mostly Hutu, that fled to Tanzania shortly after the gacaca system was announced (Neuffer, 2002, 399). As of April 2005, an estimated 72,000 Rwandans had fled to the northern provinces of Kirundo and Ngozi in Burundi. Some of the most recently arrived (at that point) said they left Rwanda to escape prosecution in the gacaca system (UN Office for the Coordination of Humanitarian Affairs, 2006). Overall, thousands of Hutus have fled to Rwanda and Burundi out of fear of being unjustly accused of crimes through the gacaca system. Tiemessen (2004, 59) explains that the heart of the controversy over gacaca is the issue of what type of justice is most appropriate to deal with the large number of cases and provide reconciliation to Rwanda. She explains, “it is the nature of post-genocide society in Rwanda, not the form of violence that occurred, that indicates what type of justice is most appropriate” (Tiemessen, 2004, 59). Tiemessen (2004, 59) understands Rwanda as a dualist post-genocide society, according to Mark Drumbl’s typology, in opposition to a homogeneous or pluralist situation with only one ethnic group or multiple ethnic groups, respectively. Rwanda is a dualist post-genocide society because Hutus and Tutsis must live together; territorial division is not possible and, in Rwanda, victims and oppressors must exist together. Therefore, a system that assigns collective guilt to Hutus is counterproductive (Tiemessen, 2004, 67).

The understanding of Rwanda as a dualist post-genocide society creates a basis for consideration of another critique of gacaca. This critique is that it has been set up to

quickly reintegrate perpetrators into Rwanda society, a source of fear for many Rwandans. One estimate is that about 80% of perpetrators being held in Rwanda's prisons in 2002 were accused of murder. Rwandan genocide law does not include a distinction between someone who has committed the act of murder and someone who has given a person or persons up to be murdered, and murder carries a maximum sentence of 15 years (Itano, 2002, 2). Considering the gacaca system allows for sentences to be halved based on confession, perpetrators held since the 1994 genocide could have been freed as soon as they confessed in the gacaca courts, sentenced to only time served.

Another danger of the gacaca system is that, while many of the genocide prisoners (about 30% as of 2002) have confessed, many have confessed to crimes other than those for which they were accused (Itano, 2002, 3). The return of murderers, especially those who have not confessed fully to the crimes they have committed, is a source of fear and could damage progress made in post-genocide reconciliation. Itano (2002, 3) explains:

While the return of the *génocidaires* may be welcomed by the Hutu majority, for the Tutsi minority their return reawakens hidden fears... Most survivors, the vast majority of whom are women, had nowhere to go but back to the villages where their spouses and children were murdered. Their only solace, they say, was that most of the worst offenders were imprisoned or in exile. Hutu and Tutsi women in some areas have bonded together to shoulder the responsibility of caring for the thousands of genocide orphans, yet such cooperation has been made possible by the absence of the genocide's worst perpetrators.

For gacaca to successfully bring reconciliation to Rwanda, concerns about "victor's justice" and fears surrounding the return of *génocidaires* must be quelled. Tiemessen (2004, 64) also points out that the, "lack of services available to deal with the level of psychological and social trauma that witnesses or survivors will experience with the trials" should be addressed. To overcome stereotypes and problems, the gacaca system must overcome the characterizations of all Hutus as perpetrators and all Tutsis as survivors (Tiemessen, 2004, 68, 70).¹⁷ Overcoming these characterizations is also

¹⁷ Overcoming these stereotypes through the gacaca system has been particularly difficult considering that the system has not tried any Tutsis even though Tutsi people were involved in revenge killings and

important in viewing the many roles that women played during the atrocities and in the post-genocide society. While the idea of “victors justice” is difficult to understand considering that it is difficult to imagine that there are any victors in such a horrible aftermath, one step toward creating victors out of all survivors is breaking down traditional views of the roles. Breaking down stereotypes of men’s and women’s roles, as well as the stereotypes of Hutus and Tutsis, will help all Rwandan people contribute to the future of their communities.

Positive Aspects of Gacaca: Roles of Women

While there are problematic aspects of the gacaca system, this form of justice has provided ways for women to be more involved in the rebuilding of society in post-genocide Rwanda. There are many features of the gacaca system that are not present in the government court system or ICTR that encourage women’s participation as leaders of gacaca sessions, judges, and witnesses. For the first time, women, who are the largest group of survivors and witnesses of the genocide, are allowed to participate in the judicial process. Through gacaca women are giving evidence and also sitting as judges. Their participation is vital in dealing with the aftereffects of the genocide; gacaca has provided a forum where female voices can be heard (ProFemmes). Women produce up to 70% of Rwanda’s agricultural output and head tens of thousands of the country’s households. Rwandan society no longer has the option of viewing women as minor citizens and this is incorporated into the gacaca system which “allows women to participate on various levels, recognizes their role in the reconciliation process, and brings their identity beyond that of victimization” (Tiemessen, 2004, 63). While it is often difficult for many Rwandan women to attend gacaca sessions due to their work schedules, ProFemmes Twesehamwe and International Alert’s Great Lakes Women’s Peace Programme have worked together to ensure women’s participation in gacaca. They have encouraged this

massacres of civilians (Dr. Lyn Graybill, Part-Time Instructor Georgia Institute of Technology, personal email communication).

participation by publicizing the process through magazine ads, radio spots, and television announcements (ProFemmes).

Women in Leadership Roles

The main goals of the gacaca system are to alleviate overcrowded prisons and bring reconciliation to Rwanda, but the inclusion of females in leadership roles is also a positive aspect of the gacaca system and a step forward in the empowerment of the Rwandan people as a whole. The elections for gacaca judges in October 2001 resulted in women taking about 1/3 of the judge positions at the cell level and about 1/5 of the judge positions at the provincial level (Uvin, 120). While these ratios are not representative of a reportedly overwhelmingly female population in post-genocide Rwanda, the willingness of these women to participate in the process and community acceptance of women in these leadership roles is a very good sign. ProFemmes explains that the female leaders in the gacaca system are, “a mixed group of women: some have family in prison accused of crimes, and others were victims or lost family as a result of the genocide.” The participation of women in leadership roles in gacaca is important because it is a positive example of the involvement of women in a justice system and is progressive compared to the extremely small number of female provincial prosecutors and the small number of judicial personnel in the office of the attorney general (Human Rights Watch, 4). The involvement of women in leadership roles in the gacaca system also reveals their importance in post-genocide reconciliation.

Victims

While the gacaca process is allowing women to show their communities that they should no longer be viewed solely as victims, gacaca law has taken the special needs of female victims into consideration. Human Rights Watch (2004, 4-5) explains:

A revised gacaca law adopted in 2004 enhances protections for victims of sexual violence in order to facilitate reporting and testimony. Under the new law, a rape or sexual torture victim may choose among three alternatives: testimony before a single gacaca judge of her choosing; testimony in writing; or testimony to a judicial police

officer or prosecutorial personnel, to be followed by complete processing of the rape case by the prosecutor's office.

The allowance of multiple forms of testimony for victims of sexual violence is especially important in a society in which victims feel shame for themselves and their families because of the sexual violence perpetrated against them. Human Rights Watch (2004, 4-5) explains that, while the revised law is an important step, the law remains ambiguous and should be clarified to protect the privacy and confidentiality of the victims. Other efforts to promote protection of women and awareness of gender-based and sexual violence include the training of higher-level gacaca judges in March 2002 as part of a joint program between the International Rescue Committee- Rwanda and the Ministry of Gender and Family Promotion (MIGEPROF). The program was initially only able to reach the higher-level judges due to resource and logistical constraints, but training of other gacaca judges was set to be held in 2004 (Human Rights Watch, 2004, 3).

ProFemmes

ProFemmes/Twese Hamwe is an important organization working with the women of Rwanda to strengthen their roles in many aspects of their lives. Increasing female roles within the gacaca system is one of the ways that ProFemmes accomplishes its goals. ProFemmes has conducted awareness campaigns aimed at attracting diverse audiences to learn about gacaca and training community leaders on the gacaca process. They began by training three women per district and, according to the information they have provided on their project, they have trained 209 women who are now spreading their message to more than 19,000 people (ProFemmes). In an article for International Alert, ProFemmes described a gacaca meeting with 188 people in attendance, led by one Hutu woman and one Tutsi woman. This is an important example of women's empowerment in Rwanda today, but also an example of women working together to bridge the ethnicity gap. Clotilde, a Hutu, and Francine, a Tutsi, work together to lead meetings and show their

community that Hutu and Tutsi people can work together.¹⁸ The women agree with each other and refer to one another's comments throughout the meeting to reinforce their cooperation.

At the beginning of the meeting described in the article, Clotilde explained that the gacaca meetings are a way to show the world that Rwandans, "know how to tell the truth... No-one likes conflict but since it has happened, we need to do something about it" (ProFemmes). The meeting included discussion about the definition of conflict, different kinds of conflict, and how conflict should be resolved. The conclusion was that conflict must be resolved bit by bit. The leaders suggested to the judges that they look to the sky when judging people and think about the crime, not the individual. This is important because people hear the cases of their neighbors in gacaca; the first cases heard were those of 25,000 prisoners who confessed to crimes and were released by the government in 2003 (ProFemmes). For many Rwandans the release of prisoners meant killers were set free and allowed back into their communities, but awareness campaigns by the Rwandan government (film on gacaca) and by groups such as ProFemmes help explain to the participants how gacaca will help heal Rwanda. The leaders of the gacaca session described by ProFemmes also explained to the participants that gacaca also provides a way to alleviate the people of the great tax burden of keeping so many criminals in prison (ProFemmes).

Conclusion

The recently recreated gacaca system in Rwanda has been described as "victor's justice" and a poor attempt at genocidal justice; however, despite the negative aspects of the system, gacaca hearings provide Rwandan communities the opportunity to reconcile. While imperfect, gacaca helps integrate Rwandan people back into their communities and

¹⁸ The last names of Clotilde and Francine were not provided in the report by ProFemmes. This is an example of the difficulty in researching the work of women in the aftermath of the Rwanda genocide, because information is often provided in story form and specific information on the women involved is not given.

it has also proven to be a forum for female voices in this post-genocide society. The Rwandan people have been anxious about a system that allows murderers and rapists back into their communities. Due to these anxieties and other questions as to the credibility of justice for victims and perpetrators in this system, Uvin explains that “gacaca is a worthy gamble, but a gamble nonetheless” (121). He goes on to explain that “in a country like Rwanda there are no easy, cheap or clean solutions” (Uvin, 121). Gacaca is an attempt at reconciliation and is, to some degree, empowering the women of Rwanda. For gacaca to be effective, the people of Rwanda must continue to be educated about the system and women must “develop the confidence and skills required to take part” while also committing to impartiality, which is difficult considering the nature of the conflict (ProFemmes). Overall, gacaca shows promise in the promotion of women’s interests in Rwanda and the possibility of true reconciliation among the Rwandan people, between Hutu and Tutsi, as well as women and men.

CHAPTER 8

WOMEN'S AGENCY IN RECONSTRUCTION AND RECONCILIATION

Introduction

It is necessary for women to be involved in post-conflict reconciliation and the women of Rwanda have important roles to play in the post-genocide society. Although the genocide victims include many thousands of men, women have borne the brunt of the conflict and, therefore, deserve significant and official roles in the reconstruction and reconciliation process (Enda, 2003, 3). Hamilton (2000, 10) explains that in Rwanda, “simply finding a way to live together in peace is perhaps the key to national reconciliation, and women have a special role to play in this process.” The incredible number of people involved in the conflict and the intimate nature of the violence are some of the reasons that even achieving peace is difficult in Rwanda. In the wake of the genocide, the challenges of reconstruction are overwhelming: an already poor country is dealing with increased poverty, divisions among the people remain (even beyond Hutu and Tutsi), and women who have been traditionally disadvantaged in all areas of life (education, law, politics, commerce, and family) must be allowed to participate in reconstruction (Hamilton, 2000, 1-2, 10; Sharlach, 1999, 391). Hamilton explains that reconstruction in Rwanda requires physical reconstruction but also “reconstruction of the social and moral tissue of the nation” and “while it is important to recognize that not all women are innocent...not all Hutu are guilty” (Hamilton, 2000, 10, 3). Women are also important to the reconciliation process because of the perception among survivors of both sexes that women are better at forgiving, reconciling, and building peace than men. This perception is related to the fact that fewer women than men perpetrated killings (women only made up 2.3% of the people jailed after the genocide) and that corruption among women has been less than among men in post-genocide Rwanda (Enda, 2003, 3). In a

post-genocide society, the Rwandan people must rely on leadership that focuses on peace and reconciliation and women should use the perception that they are peaceful to encourage people in their communities to reconcile to one another.

In addition to the above reasons that women should be highly involved in the reconstruction and reconciliation process, rebuilding Rwanda would not be possible without the agency of women, largely due to demographic changes. Post-genocide there has been a great increase in the number of women in relation to men related to the higher number of male casualties during the conflict. In post-conflict Rwanda “women constitute the vast majority of the adult working population, they are central to economic development and reconstruction” (Hamilton, 2000, 1). With these challenges in mind, women should be supported in their new roles in the aftermath including as “heads of households, as public representatives, as agents for reconstruction, and as peacebuilders” (Hamilton, 2000, 12). United Nations Secretary-General Kofi Annan has stated that, “study after study has shown that there is no effective development strategy in which women do not play a central role” and when women are involved in development, families, communities, and countries feel the benefits to a much greater extent than they would otherwise (Mutume, 2004). This sentiment applies in Rwanda where women’s involvement in reconciliation and reconstruction has been, and will continue to be, crucial for sustained peace and economic growth in Rwanda. Although women are taking on roles in the rebuilding and reconciliation processes out of necessity, the case of Rwanda reveals the ability of women to deal with crisis situations. This chapter explores the roles of women in the aftermath of the genocide, the difficulties they are facing, and the effectiveness of their efforts.

Roles of Women in the Aftermath

In the aftermath of the genocide women have taken on familiar as well as new roles in the reconciliation and rebuilding processes. Women’s efforts have been focused on everything from physically rebuilding structures to political participation from

lobbying to changing laws unfair to women. Mutume (2004) explains, “They [women] not only head about a third of all households, but have also taken up many jobs that were formerly the preserve of men, as in construction and mechanics.” In post-genocide Rwanda, women’s key role in the Rwandan workforce has been in agricultural production (Hamilton, 2000, 2). As of 2000 women represented 57% of the adult working population between ages twenty and forty-four and produced up to 70% of Rwanda’s agricultural output” (Hamilton, 2000, 1). Women still face difficulties working in the formal sector; however, their involvement has grown since the genocide and is crucial to Rwanda’s economy.

Rwanda has only overcome the horrors of genocide by including women in reconstruction, and women have taken the lead in post-genocide Rwanda (Enda, 2003, 2-3). Women have taken on various roles unavailable to them in Rwanda before the genocide and also worked within previously accepted roles in their communities.

Newbury and Baldwin (2000, 10) explain:

Despite experiencing trauma, women have found creative ways to confront the challenges of post genocide Rwanda. To support themselves and their children, they have taken advantage of the openings created by crisis conditions, adopting new roles and configuring older ones. Women help build houses (in the past, climbing on a ladder was considered inappropriate for women), work at construction sites for city buildings, and trade food and other goods in rural and urban markets and shops. Rwandan women are playing an important role in rebuilding their communities as individuals and as members of broad spectrum associations at the local and national levels.

In addition to the actions described above, women have also been instrumental in finding homes for genocide orphans, caring for survivors including families of perpetrators, and working with families of victims. Women have also “headed institutions set up to rebuild the country and prosecute the killers” (Enda, 2003, 3). An example of women’s involvement in post-genocide justice is their involvement in the Gacaca justice process described above. The varied roles of women in post-genocide Rwanda reveal women’s agency and abilities in post-conflict situations.

Women in Government

In addition to their roles in agriculture, construction, etc. women have also been much more involved and influential in the Rwandan political process after the genocide. Rwandan women participate in councils at the local government level, are involved in national ministries, and are members of the national parliament.¹⁹ In 1998 the Rwanda government set up local women's councils to give women a voice on issues such as health, education, and development (Bouta et al., 2005, 73).²⁰ Women who are members of the 10-person councils at the local level manage the women's communal funds and are involved with national government by serving as representatives of the Ministry of Gender and Women in Development in their communities (Bouta et al., 2005, 73).²¹ Women serve in the highest levels of national ministries; Aloise Inyumba, former Minister of Family, Gender and Social Affairs, was appointed to head up the national Committee of Unity and Reconciliation (Hamilton, 2000, 9). Women participate at the highest level of government. In the October 2003 election, women took thirty-nine of the eighty seats in the lower house of parliament, the Chamber of Deputies. This is fifteen more than the allotted twenty-four seats set aside for women in the Constitution set up after the genocide. Women also took six of the twenty seats in the senate (Enda, 2003, 3). Women's influence on the national level has been shown in the drafting of the constitution and development of guidelines and guaranteed seats for women; in the push for creation of a government ministry to work for policies to meet women's interests; and women parliamentarians' part in repealing the law that banned women from inheriting property (Enda, 2003, 3). In the wake of the genocide women have been involved at all

¹⁹ I was unable to obtain specific numbers of women involved in the different levels of Rwanda government.

²⁰ "Anecdotal evidence from Rwanda shows that many women elected to local women's councils in 1998 had previous experience as leaders or members of women's or mixed organizations" (Bouta et al, 2005, 73).

²¹ "At the township level, the councils exclusively consist of women. At the sector and prefecture levels, women gained about one-half of the seats (4 of 10 seats are reserved for women)" (Bouta et al, 2005, 73).

levels in the government arena, and the involvement of women at the national level is a model that other nations should follow.

Women in Grassroots/ Non-governmental organizations

In addition to their roles in the Rwandan workforce and the government at all levels, women have also been influential through their work in grassroots and non-governmental organizations. Generally women are most often involved in reconstruction and reconciliation at the grassroots level; recognition of women's social and economic roles in this arena reveal the importance of women's social activity in rebuilding communities (Sideris, 2001, 59). Women's involvement in grassroots organizations has been necessary because of the lack of social services provided by the government post genocide, but also been beneficial in opening political and public space for women's involvement (Hamilton, 2000, 7; Bouta et al., 2005, 73). In the non-governmental arena women have organized into socio-professional organizations, development associations, and cooperative groups that are participating in anything from activism and lobbying to rehabilitating schools and health clinics (Hamilton, 2000, 7; Bouta et al., 2005, 118). Women are involved in reconstruction and reconciliation in Rwanda in almost all arenas. The grassroots/non-governmental work that women are participating in is not as publicized or acknowledged as their work in the national government; however, this work is very important at the local levels and for the country as a whole.

Difficulties and Challenges for Women

While women have taken on many new roles and met many of the challenges of post-genocide reconstruction and reconciliation, there remain many difficulties and challenges for Rwandan women in the aftermath. All Rwandans face challenges such as the difficulty of working with Hutus or Tutsis that were formerly considered enemies. It is difficult for all of the people of Rwanda to overcome their distrust of one another; however, women also face many specific gender-related challenges related to the position of women in the post-genocide society. The sexual violence committed against Rwandan

women is one of the barriers in their ability to rebuild their lives after the genocide. Some of the aftereffects of the sexual violence committed against them have been unwanted pregnancy (especially difficult because abortion is illegal in Rwanda), contraction of the HIV/AIDS virus, living in community with their rapists, and difficulties remarrying due to the shame of being raped (Hamilton, 2000, 3, 5). These consequences make it difficult for women to contribute to reconciliation and reconstruction efforts. Women also face other challenges due to their status in a traditionally patriarchal society (Hamilton, 2000, 5). Although legal/institutional barriers have been lifted to enable more girls to go to school, dropout rates are still higher in primary and secondary school for girls because education in Rwanda is not free and families chose to educate sons rather than daughters (Hamilton, 2000, 6). The literacy rate among women is also lower than for men (Hamilton, 2000, 5). In addition to these issues, widows and women with absent husbands have faced difficulty reclaiming land after displacement, and also have difficulty creating any surplus income because they bear the earning and household responsibilities alone (Hamilton, 2000, 5). Women in rural areas have been disadvantaged because of their lack of knowledge on legal changes that allow them to engage in commerce without their husband's consent (Hamilton, 2000, 6). Therefore, while the women of Rwanda are shouldering much of the burden of rebuilding the country, they remain disadvantaged in many arenas because of their sex.

Conclusion

While the women of Rwanda are still facing many challenges in a post-genocide society, Rwanda is a positive example by its inclusion of women in the rebuilding and reconciliation process. Women's advance in Rwanda, particularly in parliament and the political arena, and also as members of the workforce and in grassroots organizations, are helping to change men's attitudes and bringing healing to the country as a whole. Making women full partners in rebuilding Rwanda should be an example to Iraq and Afghanistan in their post-conflict situations. Out of necessity and their own agency, the

women of Rwanda have taken the lead in physical reconstruction as well as reconciliation of the people with one another. Although there is still a great deal of work to be done in allowing women the same opportunities that Rwandan men are afforded, their actions in the aftermath of the genocide reveal their capability and willingness to work for the future women of Rwanda.

CHAPTER 9

CONCLUSION

The roles of women during the genocide and in post-genocide Rwanda reveal the extent to which women are affected by conflict, participate in conflict, and contribute to reconstruction and reconciliation efforts. Sexual violence during conflict is not a new phenomenon; however, in the case of Rwanda, rape and other forms of sexual torture and mutilation were committed systematically as tools of war. Women were targeted for specific forms of violence due to their gender to achieve the goal of destroying the Tutsi people. In the Rwanda genocide women also perpetrated and incited violence against the opposing ethnic group, often inciting sexual violence. Women were intimately involved in the conflict as victims and perpetrators (a reality which has been recognized by the justice system in Rwanda as well as the international community); in the aftermath of the genocide, women have taken the lead in reconciliation and reconstruction efforts. Exposing the varied roles of women during and after the genocide is an important step toward understanding gender roles in conflict, as well as power relations during and after ethnic conflict. The Rwanda genocide reveals that the atrocities committed against women in war should be given appropriate recognition by the justice system, that women can no longer be considered as only victims or peace-makers in wartime, and that women should not be marginalized in post-conflict reconstruction.

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